

EXHIBIT 6

Unofficial Transcript

1

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

-----x

In re:

11-3204-cv

Terrorist Attacks on September 11, 2001

-----x

December 4, 2012

4:15 p.m.

BEFORE:

HON. JOSE A. CABRANES

HON. REENA RAGGI

HON. JED S. RAKOFF, USDJ

Unofficial Transcript

2

APPEARANCES:

SIDLEY AUSTIN, LLP

Attorneys for Appellants

1501 K Street N.W.

Washington, DC 20005

BY: RICHARD KLINGLER

COZEN O'CONNOR

Attorneys for Appellants

1900 Market Street

Philadelphia, PA 19103

BY: SEAN P. CARTER

JONES DAY

Attorneys for Appellees

51 Louisiana Avenue, N.W.

Washington, DC 20001-2113

BY: JAMES E. GAUCH

Unofficial Transcript

3

ATTENDANCES (Continued):

KELLOGG HUBER HANSEN TODD

EVANS & FOGEL, PLLC

Attorneys for Appellees

1615 M Street, N.W.

Suite 400

Washington, DC 20026

BY: MICHAEL K. KELLOGG

WHITE & CASE

Attorneys for Appellees

701 13th Street, N.W.

Washington, DC 20005-3807

BY: CHRISTOPHER M. CURRAN

Unofficial Transcript

4

JUDGE CABRANES: And we'll turn to the final case on our calendar today. In re: Terrorist Attacks on September 11, 2001.

I thank counsel for having sorted themselves out and allocated the time for argument in ways that they think appropriate.

Let's hear from Mr. Klingler.

MR. KLINGLER: May it please the court, I am Richard Klingler and I am representing the plaintiff appellants and will address the personal jurisdiction issues. My colleague will follow and address the Rule 12(b)(6) and sovereignty issues.

This case hinges on defendants' alleged active role in operating, directing and otherwise seeking to further the aims --

JUDGE CABRANES: Try to lift the microphone, Mr. Klingler.

MR. KLINGLER: I'm sorry.

This case hinges on defendants'

Unofficial Transcript

5

1
2 alleged active role in operating,
3 directing and otherwise furthering the
4 aims of a handful of entities who are
5 alleged to be integrated components of
6 Al Qaeda and having the objective of
7 harming the United States. Three of
8 those have been designated by the US
9 government as terrorist organizations
10 and the government has recognized that
11 a fourth was formally rolled into Al
12 Qaeda and dropped the pretense of being
13 independent in the months leading up to
14 the 2001 attacks. The roles alleged
15 also involved coordinating with Al
16 Qaeda officials including, in certain
17 cases, with Osama Bin Laden himself.

18 JUDGE CABRANES: Mr. Klingler,
19 let me ask you turn, if we may, to In
20 re Terrorist III, as we call in the
21 literature here.

22 I was a member of that panel so
23 I'm particularly interested in hearing
24 from you as to why your claims are
25 different from the claims of In re

Unofficial Transcript

6

1 Terrorist III, or to put it another
2 way, why In re Terrorist III is not
3 fatal to your personal jurisdiction
4 arguments.
5

6 MR. KLINGLER: Yes, of course,
7 your Honor.

8 The court in that decision found
9 that knowing support, at least at some
10 remove, might be insufficient or was in
11 that case, was insufficient to
12 establish the necessary intent.

13 It focused twice on the indirect
14 nature of the contributions, that is,
15 the nonactive role of the princes
16 there, essentially writing a check from
17 afar, and for Prince Mohammad, focused
18 on the lack of any active role
19 whatsoever. He didn't manage, operate
20 or otherwise have involvement in the
21 entities at hand.

22 In contrast, we think that
23 personal jurisdiction exists over a
24 defendant who does actively participate
25 in advancing Al Qaeda's terrorist

Unofficial Transcript

7

agenda that is and shown through not only knowing support, but knowing support undertaken in coordination with senior Al Qaeda leaders and Al Qaeda components.

Because Al Qaeda's agenda prominently features targeting the United States, a defendant who seeks to advance that agenda establishes the aim or calculation of having that support harm the United States whose was required in both Terrorist Attacks III and in Calder.

JUDGE CABRANES: So if I can summarize very imperfectly, what you've just said, we're dealing here with a situation in which there is direct involvement; direct action leading to 9/11, as opposed to what we might call for now indirect action by the defendants in In re Terrorist III.

MR. KLINGLER: I think that's right but I would characterize it just slightly differently.

Unofficial Transcript

8

I think that in Terrorist Attacks
III it was a question of the nexus, how
close the relationship between the
princes' role and Al Qaeda was, and
there the court found that it was
unduly remote.

JUDGE CABRANES: And how
different is it here?

MR. KLINGLER: How different is
it here?

JUDGE CABRANES: Or, how is it
much less remote, or less remote?

MR. KLINGLER: It's closer
because the defendants here are alleged
to be directly participating with or
acting in conjunction with Al Qaeda
figures or the entities that we allege
are actually components of Al Qaeda.

In other words, these are the
people who control and have influence
over Al Qaeda directly. They are in a
sense Al Qaeda leaders.

Now, if I can give an example of
that. The IIRO is an entity where it

Unofficial Transcript

9

1 is alleged that 40 to 50 percent of its
2 funds go, to or went, to supporting Al
3 Qaeda training camps and recruitment
4 and operations.
5

6 It was based on those and other
7 activities, in close conjunction with
8 senior Al Qaeda figures, designated by
9 the US government as a terrorist
10 organization. And as Judge Casey
11 found, through one of the defendants
12 here, Khalifa, it undertook a series of
13 attacks against the United States and
14 contributed to those.

15 Those included the 1993 World
16 Trade Center bombings, the Bojinka air
17 line attack and the 1998 embassy
18 bombings. So, the officials who -- and
19 seven officials, sorry, seven
20 defendants in this case are associated
21 very directly with the IIRO.

22 JUDGE RAGGI: And am I correct in
23 understanding that your allegation is
24 that all of these individuals is that
25 whether they gave money or directed the

Unofficial Transcript

10

1 money they did it knowing that it was
2 going to Al Qaeda, that Al Qaeda had
3 specifically targeted the United
4 States, and that it was these
5 defendants' intent that the money be
6 used for that purpose?
7

8 MR. KLINGLER: That's right.
9 Knowing --

10 JUDGE RAGGI: You are obligating
11 yourself to prove both those knowledge
12 and intent on allegations?

13 MR. KLINGLER: Knowing support
14 and intent established through the
15 coordination with the senior leaders
16 and Al Qaeda components. That's right.

17 JUDGE RAGGI: There's no intent
18 here to do charitable work of the, you
19 know, relating to, unrelated to the
20 destruction of the United States, is
21 that what you are saying?

22 MR. KLINGLER: We're saying that
23 at this stage of the pleadings, it's
24 entirely a reasonable inference to draw
25 from the close nexus between these Al

Unofficial Transcript

11

1
2 Qaeda components and officials who
3 actually operate within them or are
4 their directors or are their managers,
5 that it's reasonable to draw the
6 inference of an intent that the support
7 that they direct through those
8 organizations and make available the
9 infrastructure of those organizations
10 to Al Qaeda.

11 JUDGE RAGGI: I understand that
12 you are saying that that intent can be
13 inferred from the totality of facts,
14 but you are representing that you are
15 prepared to take this case forward on
16 the theory of knowing and intentional
17 support for terrorism?

18 MR. KLINGLER: That's right.

19 With, as you say, the context can
20 lead to the inference of intent.
21 That's right.

22 JUDGE CABRANES: And tell us --
23 and this may take us off the point a
24 little bit. But assume for the moment
25 that you prevail and this matter is

Unofficial Transcript

12

remanded to the District Court for a program of discovery, how do you propose to conduct discovery in support of knowing and intentional support of terrorism?

MR. KLINGLER: Well, in the first instance what's at issue is whether the 12 (b)(2) motions were correctly granted or not.

So I think we would argue before the District Court, at least we would proceed to the merits, if the defendants then wanted to move for a summary judgment or move for a hearing, then that's another matter. But the 12 (b)(2) motion would be resolved, we hope.

We think that there's either the basis to resolve that here based on the evidence of active participation in Al Qaeda's agenda shown by the knowledge and support and the intent reflected in the coordination with Al Qaeda figures and the components or it could be

1 Unofficial Transcript 13

2 remanded with the direction to indicate
3 what -- I see my time is up. May I?

4 JUDGE CABRANES: Go ahead.

5 MR. KLINGLER: Or could be
6 remanded with the proper instruction to
7 focus on whether there's a showing of
8 or whether there's adequate allegations
9 or, if necessary, by facts -- we could
10 get to the Ball issue if you would like
11 -- of the active participation in
12 advancing of Al Qaeda's agenda. With
13 our allegations properly credited and
14 without the errors related to
15 discounting the nature of the charities
16 at issue and the roles of the operators
17 and directors, without discounting the
18 context of Al Qaeda's broader
19 operations and defendants' role dealing
20 in and with the inner circle of Al
21 Qaeda and the timing issue.

22 JUDGE RAGGI: Before you sit
23 down, I want to ask you one question
24 about personal jurisdiction.

25 You take the position that the

Unofficial Transcript

14

plausibility test that applies to 12 (b)(6) does not apply to 12 (b)(2). I would like you to answer both why and how prima facie cases and plausibility differ. Why should there be a difference in that?

MR. KLINGLER: Yes, well, to the latter first. I think Ball sets forth the framework whereby the inquiry is very different, pre and post discovery.

Post discovery, we would say, that the averment of fact is required which is equivalent to an Iqbal-Twombly standard. Pre-discovery, however, Bell makes clear that the allegations alone, credited, can defeat a 12 (b) (2) motion. And that frame work has been applied and reaffirmed, that the reason why it's different is that, you know, as defendants' concede, this court has never applied Iqbal and Twombly in the 12 (b) (2) context. And the reason for that is that both Iqbal and Twombly, Justice Kennedy and Justice Souter's,

1 Unofficial Transcript 15
2 opinions relied extensively on the Rule
3 8 (a) (2) language regarding the need
4 for a showing regarding the entitlement
5 to relief.

6 The parallel jurisdictional rule,
7 Rule 8 (a) (1), doesn't include the
8 showing language. But I do want to
9 emphasize that we very much think that
10 under Iqbal and Twombly we do prevail.

11 JUDGE RAGGI: I know. I get it.
12 I know.

13 JUDGE RAKOFF: It seems strange,
14 then, does it not, that you have to
15 make a showing of plausibility once you
16 hailed someone into court in order to
17 continue, but you don't have to, at the
18 outset, make a plausible showing of
19 jurisdiction to either drag them into
20 court in the first place?

21 MR. KLINGLER: I think that the
22 Ball framework indicates that it is the
23 defendant's choice. If they want to
24 move under 12(b) (6), they can, if they
25 want to proceed summary judgment or if

Unofficial Transcript

16

1 they want to move to a hearing, they
2 can do that. But if they are going to
3 rely on a 12 (b) (2), that's essentially
4 a demurrer, and the jurisdictional
5 inquiry is one where plaintiff's
6 obviously have to and we haven't had
7 access to discovery to assemble the
8 facts, but there still needs to be an
9 allegation that makes sense.
10

11 It can't be so conclusory or just
12 a statement of the elements. We agree
13 with that. But it doesn't need the
14 detailed averment of facts that Iqbal
15 and Twombly would require.

16 JUDGE CABRANES: You're asking
17 for some jurisdictional discovery,
18 right?

19 MR. KLINGLER: There is some
20 jurisdictional discovery related to
21 some of the particular parties, NCB in
22 particular.

23 JUDGE CABRANES: Yes, right.
24 There's been some with respect to the
25 Saudi Bin Laden group and the National

Unofficial Transcript

17

Commercial Bank.

MR. KLINGLER: That's right and the issues I understand that's surrounding -- I'm sorry.

JUDGE CABRANES: The others would like some jurisdictional discovery?

MR. KLINGLER: Well, the others would like a ruling that our allegations, well supported by facts, establish that the 12 (b)(2) ruling should be denied, and we think that that's the case for both NCB and the Saudi Bin Laden group as well.

If we lose that, we would like some additional discovery, particularly for NCB on specific jurisdiction because what was denied there was the ability to have any discovery of NCB's relation to the Al Qaeda components, the charitable organizations. And that's the entire basis for our theory.

So if we can't see the link between Al Qaeda and NCB, it is rather unfair to ask us to establish that link

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

under a standard of post discovery.

JUDGE CABRANES: Assuming we agree with you on the issue of personal jurisdiction, what exactly -- what do you want from us? What's the remedy? What would we do on remand or what would we direct on remand?

MR. KLINGLER: You can go either of two ways.

If you resolve this case and determine that the 12 (b) (2) motions were improperly granted, then it's back to the District Court and the case proceeds in the way that I indicated. If defendants want to have a 12(b) (6) challenge or they want to have a summary judgment, they can do that.

If, however, the court finds it more efficient to state the basic principles and rules governing what does establish jurisdiction and what allegations should be credited and the implications of the charitable link organizations, the context, the timing

Unofficial Transcript

19

and so on, then it would be back in front of Judge Daniels to make those determinations and apply that test.

JUDGE CABRANES: Okay. Is Mr. Carter going to argue now?

MR. CARTER: May it please the court, Sean Carter on behalf of the plaintiff-appellants.

As my co-counsel indicated, I will be addressing the District Court's dismissal at the pleading phase of claims pursuant -- claims for failure to state a claim and pursuant to the Foreign Sovereignty Immunities Act.

As to the district court's rulings dismissing claims pursuant to Rule 12(b)(6), those rulings principally implicate plaintiffs' theories of liability under the Anti-Terrorism Act, a statute Congress intended to serve as a powerful deterrent to the sponsorship of terrorism, and plaintiffs' claims under state common law theories of aiding and

Unofficial Transcript

20

abetting and conspiracy liability.

And in dismissing the claims against the defendants at issue for failure to state a claim, the District Court focused principally on the mental state requirements of those causes of action and to a lesser extent, in the context of two of the defendants, on issues of causation.

Plaintiffs should prevail on the appeals of those rulings for two very simple reasons.

First, the pleadings contained overwhelming detail linking these defendants to some of Al Qaeda's most notorious elements, and those pleadings were more than sufficient to give rise to a reasonable inference that the defendants acted with at least reckless indifference, but in fact were sufficient to show both knowledge and intent, a standard that the plaintiffs were not required to meet.

And, secondly, with regard to the

Unofficial Transcript

21

1
2 issue of causation, the District
3 Court's rulings dismissing two
4 defendants, or at least dismissing
5 claims against two defendants for
6 support they provided to Osama Bin
7 Laden during Al Qaeda's phase in the
8 Sudan, were predicated upon an improper
9 legal test and also a simple factual
10 error that was rebutted in the
11 pleadings. The notion that Al Qaeda
12 did not begin targeting the United
13 States until after it left Sudan, which
14 was simply not the case.

15 Turning briefly to the mental
16 state issue. The pleadings alleged in
17 detail not simply a single relationship
18 with an Al Qaeda support entity or
19 member but a range of relationships
20 between these defendants and
21 organizations and individuals
22 thoroughly imbedded into the Al Qaeda
23 infrastructure, including in the case
24 of each of these defendants the
25 charitable organizations that were so

Unofficial Transcript

22

critical to Al Qaeda's growth and development and, as my co-counsel indicated, fully integrated into Al Qaeda's infrastructure.

And the pleadings additionally, and very critically with respect to that issue documented that those same charities were repeatedly and publicly implicated in Al Qaeda plots and attacks from the date of its formation through September 11.

And those allegations in and of themselves were sufficient to give rise to a reasonable inference that these defendants were aware, when they were pervasively supporting those organizations, that those organizations were in fact Al Qaeda proxies and Al Qaeda fronts.

But the allegations didn't rest merely on the public reporting concerning the charity's activities but documented a far broader range of ties between these defendants and, again, in

Unofficial Transcript

23

many cases Osama Bin Laden himself and therefore were fully sufficient to give rise to an inference.

The case of Al Rajhi Bank is an illustrative example. It is not merely that plaintiffs allege that Al Rajhi Bank maintained an isolated bank account for a single Al Qaeda charity, but rather that Al Rajhi Bank provided a broad range of collaborative financial services for virtually every one of Al Qaeda's identified most critical charity fronts, and that in addition senior executives of the bank were themselves imbedded into the infrastructure of several of those charities, that the bank's chairman, the chairman of the closely held family bank, was himself identified as a principal Al Qaeda financier on the Golden Chain document.

So those were the kind of allegations that were present.

With regard to causation, again,

Unofficial Transcript

24

1 the District Court focused in this area
2 on a simple factual error about the
3 timing of the Al Qaeda's targeting of
4 the United States.
5

6 Al Qaeda clearly targeted the
7 United States from the date of its
8 formation and engaged in a campaign to
9 attack us relentlessly from that point
10 forward.

11 The pleadings laid out a very
12 direct link between the defendants --

13 JUDGE CABRANES: When are we
14 supposed to assume it was formed Al
15 Qaeda?

16 MR. CARTER: Your Honor, it is
17 not really necessary to make an
18 assumption. The pleadings specifically
19 allege that it was formed in 1988 and
20 we reference, among other things, an
21 evidentiary proffer the government
22 provided in a criminal prosecution of
23 an Al Qaeda member.

24 We fully incorporated by
25 reference the allegations from that and

Unofficial Transcript

25

1 it documents the details of the
2 foundational meetings of Al Qaeda, its
3 agenda and its use of the charities, at
4 length.
5

6 I see my time is up.

7 JUDGE CABRANES: So by 1988, in
8 your view, Al Qaeda was constituted for
9 the purpose of attacking the United
10 States and its allies?

11 MR. CARTER: That is correct,
12 your Honor, and that's a view that also
13 enjoys support in the 9/11 Commission
14 report which found the same thing.

15 Turning briefly -- I see my time
16 is up.

17 JUDGE RAGGI: I have a number of
18 questions that I think pertain to your
19 briefing and not all of them related.

20 I want to start with the
21 sovereign immunity question with
22 respect to the sovereign entities here.

23 MR. CARTER: Yes, your Honor.

24 JUDGE RAGGI: How is that their
25 distribution of funds doesn't fall

Unofficial Transcript

26

under the discretionary exception to
the noncommercial tort exception?

MR. CARTER: Your Honor, the
focus of the discretionary function
analysis is on the conduct that forms
the basis of the claims. And the
conduct which forms the basis of the
claims against these entities is not at
all Saudi Arabia's decisions concerning
the allocation of humanitarian
resources but rather the direct
involvement of these alter egos of the
state in supporting Al Qaeda on the
ground level.

JUDGE RAGGI: By spending money.

MR. CARTER: Not merely by
spending money, your Honor. Imbedding
Al Qaeda members within the charity so
that they can have cover to perform
their activities, allowing their
facilities --

JUDGE RAGGI: The activities
being the raising and the distribution
of money insofar as they are imbedded

Unofficial Transcript

27

in these sovereign entities, right?

MR. CARTER: Well, your Honor, in the case of the Saudi Relief Committee, for instance, the activities include the participation by the members of the SJRC in plotting attacks against US and UN facilities in Pristina, Kosovo.

And so it's not merely a decision that we should let some money go out to Al Qaeda but rather a more symbiotic relationship where it is impossible to really see where Al Qaeda ends and the charity begins.

JUDGE RAGGI: Or to the extent that they are involved in activities against the UN, that's not a basis for an anti-terrorism claim, right? It has to be the United States?

MR. CARTER: Your Honor, it was part and parcel of the broader program that Al Qaeda ran to attack the perceived enemies of Islam. The UN being in Al Qaeda's view --

JUDGE RAGGI: I'm not sure that

1 Unofficial Transcript 28

2 gives you a anti-terrorism act claim.

3 MR. CARTER: Well, your Honor, I

4 should say with regard to the foreign

5 entities that there is not an

6 anti-terrorism act claim to those who

7 are sovereigns.

8 JUDGE RAGGI: So what is the

9 claim as to them, only the Foreign

10 Sovereign Immunities Act?

11 MR. CARTER: The Foreign

12 Sovereign Immunities Act is the basis

13 for jurisdiction. Plaintiffs

14 adequately plead the basis of

15 jurisdiction under the Foreign

16 Sovereign Immunities Act on the basis

17 of a pleading of a state law claim and

18 the state common law claim asserted

19 here is essentially for their aiding

20 and abetting and co-conspiracy with Al

21 Qaeda, it is in fact --

22 JUDGE RAGGI: To attack UN

23 facilities in Kosovo.

24 MR. CARTER: No. No.

25 JUDGE RAGGI: You know, I'm

1 Unofficial Transcript 29

2 trying to get your argument here and we
3 started with how is this not the
4 distribution of funds falling under the
5 discretionary function exception.
6 That's what I understood the claim
7 against these sovereigns to be.

8 What am I missing?

9 MR. CARTER: Your Honor, the
10 claim is the provision of material
11 support and resources to Al Qaeda in
12 various forms, including money,
13 including safe haven, and including --

14 JUDGE RAGGI: And that's a state
15 tort claim? That's a state tort?

16 MR. CARTER: It's a claim arising
17 under state common law including
18 imbedding principles of aiding and
19 abetting and conspiracy liability under
20 state common law.

21 And so, as aiders and abettors of
22 Al Qaeda, these entities are chargeable
23 for its acts in the United States in
24 attacking the United States on
25 September 11. So the question at the

Unofficial Transcript

30

substantive level, your Honor, at the substantive tort level, is whether or not there has been an adequate pleading of a tort claim under aiding and abetting theories.

Now, when the court previously, this court previously considered --

JUDGE RAGGI: I am totally lost as to what the tort is because you've taken me from providing material support in Kosovo to the 9/11 attack to -- you know, I'm not sure what the state tort claim is what you are -- your state common law tort claim is against the sovereign entities.

MR. CARTER: I understand now, your Honor. The state tort claim is the September 11 attack and the defendants are charged with responsibility for that by virtue of attribution of the attack to them under aiding and abetting and conspiracy theories.

JUDGE RAGGI: I thought how they

1 Unofficial Transcript 31

2 did that was that they financed Al

3 Qaeda. Am I missing something?

4 MR. CARTER: Your Honor, that's

5 part of how they aided and abetted.

6 JUDGE RAGGI: How else?

7 MR. CARTER: They also --

8 JUDGE RAGGI: Okay. Let's take

9 it a step at a time.

10 Is the financing part of this

11 precluded by the discretionary function

12 exception?

13 MR. CARTER: No, your Honor.

14 JUDGE RAGGI: Why not?

15 MR. CARTER: Because as this

16 court observed in Doe, there is no

17 discretion to engage in acts which

18 violate fundamental precepts of

19 humanity, international law or local

20 law.

21 So, in where it was operating in

22 Kosovo, for example, the SJRC did not

23 have authority to turn money over

24 knowingly to Al Qaeda. It's a

25 violation of UN treaties prohibiting

Unofficial Transcript

32

the financing of terrorist organizations, whether directly or indirectly, through charitable organizations. It's a violation of local law.

In fact, in this particular setting, its activities prompted a raid by K-For forces making clear that what it was doing was not in compliance with local law at all.

And so there's a baseline test here that the conduct which forms the basis of the claim has to be the kind of conduct for which a sovereign has the discretion to exercise. And there is simply is no though discretion to engage in the material support of an organization like Al Qaeda.

And so that is -- and that is consistent with this court's holding in Doe. There is a precise analogue between the support at issue here and the conduct of Afghanistan in that case -- in that case it took the form of

Unofficial Transcript

33

providing training camps to Al Qaeda,
and in this case it takes the form of
providing money and other resources to
sustain those training camps and
thereby enabling the September 11
attack.

JUDGE CABRANES: Let's hear from
Mr. Gauch.

MR. GAUCH: May it please the court, James Gauch, speaking on personal jurisdiction. I represent seven of the defendants. I'm speaking for the other 26 who filed briefs on the issue with the court's leave. I won't go through the introductions.

I want to start with where the court started with the appellants' counsel on why this case is different or why this case is the same, and we laid this out clearly in the joint brief we submitted, but the key point here is that the plaintiffs are now trying to characterize the defendants as active participants in order to make

Unofficial Transcript

34

1 them fit the rule that the court has
2 laid out.

3 But if you look at the
4 allegations defendant by defendant as
5 Judge Daniels did, you will see that
6 they are relying on the same highly
7 attenuated causal chain that gave this
8 court pause in the first opinion.

9 I want to note, in particular,
10 however, that when they choose the
11 example of the IIRO, if this, if the
12 court remembers, the IIRO was alleged,
13 among other things, a direct arm of the
14 Saudi royal family.

15 So when they try to now paint
16 these defendants as somehow in Al
17 Qaeda's inner circle, whereas the
18 defendants before were simply casual
19 donors, they are tweaking their theory
20 and their characterization to fit what
21 they think they need to show.

22 JUDGE RAGGI: But let me ask you.
23 These defendants, or at least any
24 number of them, are actually at the
25

Unofficial Transcript

35

1 helm of these organizations. They hold
2 specific positions. It's not the more
3 vague, you know, it's run by the Saudi
4 royal family. These people hold
5 titles, positions in these
6 organizations, and are alleged to have
7 known and themselves directed that the
8 money go to Al Qaeda.
9

10 Why isn't that different?

11 MR. GAUCH: I want to unpack
12 that.

13 First, as I understand it, there
14 are some of the defendants that are
15 alleged to be leaders in various
16 organizations. Some US branches, some
17 overseas branches. One of my clients
18 is alleged to have been a founder and
19 leader of the US branch of two
20 charities which were -- one of the
21 charities was accused of wrongdoing
22 after he ceased to be involved in the
23 organization (inaudible) patient and
24 the other, the US branch was not
25 alleged to have done anything wrong.

Unofficial Transcript

36

1 All the allegations were directed to
2 the national branch.

3
4 So to some extent you have to
5 look at the individual allegations with
6 respect to the individual person, but
7 then I also want to point out the
8 attenuation in the chain that gets the
9 money to Al Qaeda and then ties into
10 the harm obviously suffered by the
11 plaintiffs here.

12 This is not -- they like to
13 analogize to Calder by using the
14 language four times in their reply
15 brief. They describe contributions to
16 the enterprise.

17 But in Calder, the petitioners in
18 Calder were not people who were
19 providing material support to the
20 National Enquirer. They were the
21 actual author and the actual editor of
22 the article that was alleged to be
23 libelous, and it was on that basis that
24 the Supreme Court had no problem with
25 finding that they had expressly aimed

Unofficial Transcript

37

their conduct at the foreign state
where the object of the article lived
and worked.

Here the plaintiffs are pursuing a much more attenuated causal chain. It is not even as if they are trying to get people who were material supporters of the National Enquirer because they would say that they are actually contributing through National Enquirer fronts, and it's not even that they are contributing to the fronts, but that they are perhaps providing the seed money that strengthens the National Enquirer and enables them to libel a California resident down the road.

There are several different steps
in --

JUDGE RAGGI: But the knowledge that that's their purpose and with the intent they are achieve it, that's the allegation?

MR. GAUCH: It is a conclusory allegation that they knew. If you

Unofficial Transcript

38

unpack it and what we tried to do --

JUDGE RAGGI: But they supported it by showing who they knew within Al Qaeda and when they supported it. So to that extent if using the argument that it has to be plausible that they knew and plausible that they intended it, they are arguing to us that they satisfied that.

MR. GAUCH: In the prior decision in this case, the court was willing to, for the sake of argument, assume that the princes in that case could perceive that their contributions were going to Al Qaeda, and specifically said that even assume that they intend to support Al Qaeda through those contributions and assume further that they know that Al Qaeda has attacked US interests, you know, such as the USS Cole, which is alleged to have been an Al Qaeda operation, or the Kenya and Tanzania bombings. If you assume all of that against the princes, there is still an

Unofficial Transcript

39

attenuated chain that gets you to them expressly aiming their conduct at the United States. And that was where this court correctly, in light of Calder, drew the line, there has to be some conduct by the individual defendant that is aimed at the United States.

Now, it is -- there is no --

JUDGE RAGGI: There is one step more removed. The princes, as I understood it, gave their money to these organizations.

These defendants are the people who are at the head of these organizations and, therefore, directed the money to Al Qaeda, isn't that the one step closer that they are bringing us to?

MR. GAUCH: Well, not necessarily, your Honor. With respect to some of the defendants -- some of the defendants did exactly what the princes did in the sense that they contributed to charities or they found

1 Unofficial Transcript 40
2 it --
3 JUDGE RAGGI: (Inaudible). That
4 they allege --
5 MR. GAUCH: No. Absolutely,
6 that's what I said. It depends --
7 JUDGE RAGGI: The Department of
8 Justice took the view that the
9 attenuation theory that this court
10 found inadequate in Terrorist III was
11 wrong when they were before the Supreme
12 Court. Isn't that the position in
13 their brief?
14 MR. GAUCH: Well, the position in
15 their brief was that the court reached
16 the right result in dismissing --
17 JUDGE RAGGI: But not on that
18 ground. Not because this wouldn't be
19 enough to hold them liable?
20 MR. GAUCH: The Solicitor
21 General took -- no, the Solicitor
22 General agreed that the princes were
23 properly dismissed for lack of
24 jurisdiction.
25 They took issue with some of the

Unofficial Transcript

41

1 language that they understood in the
2 court's prior opinion to suggest, I
3 think, a bright line rule that required
4 specific intent or something of that
5 nature.
6

7 They did recognize that based on
8 the allegations that were in play in
9 this litigation that the dismissal was
10 correct.

11 JUDGE RAGGI: I think in their
12 brief they take the view that to the
13 extent that the Court of Appeals
14 language suggests that the defendant
15 must specifically intend to cause
16 injury that is incorrect and that was
17 one of the views.

18 Here they both plead intent, and
19 the government wasn't sure that that
20 was necessary.

21 MR. GAUCH: Right. And, with all
22 due respect, I think the Solicitor
23 General is omitting a key piece of
24 Calder when in, I think, exactly that
25 passage when it says that Calder

requires tortious activity and a knowledge that the brunt of that activity is felt within the forum.

They are completely removing the expressly aimed element from it and most of the circuit courts that have looked at Calder more generally and, of course, Calder applies to any number of business torts and other context besides terrorism and defamation, and when they look at Calder they generally lay out three separate elements.

There has to be the tortious conduct, there has to be the indication that the defendant is expressly aiming that conduct at the United States, and there has to be the knowledge that the brunt of the impact will be felt in the United States or within the forum.

Those are the three elements and the Solicitor General is expressing a minority view to the extent that she was suggesting, at the time, that the expressly aimed aspect was not

Unofficial Transcript

43

important and that it was only sufficient to foresee that the conduct might lead to harm, the brunt of which would be felt in the forum.

And, in fact, if that were the law, then that would render Burger King meaningless, because at that point, foreseeability, conduct and foreseeability would be enough for jurisdiction.

JUDGE RAGGI: So with any criminal scheme, if as the plaintiffs allege here, it's got an avowed purpose to injure the United States and someone says count me in, by giving their money, I'm not sure why that isn't enough to exercise personal jurisdiction over them, why they wouldn't expect to be hailed into an American court when they ask to be included in a scheme with that specific purpose.

That's why I think the real issue in this case is whether they can

Unofficial Transcript

44

ultimately prove that that was the purpose and that your client knew about it.

MR. GAUCH: The plaintiffs themselves have alleged that Al Qaeda is a global operation that is --

JUDGE RAGGI: But why isn't it enough if the avowed purpose is to attack the United States and somebody contributes money to it and thereby indicates count me in, why isn't that enough to exercise personal jurisdiction when the contribution results in injury.

MR. GAUCH: Because under the reasoning of Calder to say if you provide -- the "count me in" is the key point. If you provide funding to a charity, which is providing that funding to Al Qaeda, and Al Qaeda has a number of objectives around the world, you can't say that that person by providing that contribution to that charity, or even if you are looking

Unofficial Transcript

45

at --

JUDGE RAGGI: But it is not as if they have a lot of different objectives. They are saying their main objective -- this is the allegation -- is injury to the United States.

So it's not like you thought your money was going for something else, you would know it was going for its main object.

MR. GAUCH: Your Honor, on the contrary, they specifically allege with respect to in the 1990's, their allegations dealing with Bosnian relief efforts and Bosnia's relief efforts supposedly being a cover to raise money for Al Qaeda. But they speak about terrorism in Chechnya. They speak about activities in Bosnia. They speak of activities --

JUDGE RAGGI: They speak about those, but I don't think there's any defendant whose activities are limited to those and who don't continue through

Unofficial Transcript

46

the various Fatwas targeting the United States.

I mean, you have chosen to argue this generally, but there are defendants whom they have alleged much more about than just their support of relief efforts in Chechnya.

MR. GAUCH: Well, your Honor, and simply to be clear, I am trying to make the general point with respect to the necessary showing. Each of the defendants has specifically laid out the inferences that can be drawn from their support.

The timing is -- the timing is critical. The point being that we made a general argument with respect to the required showing expressly aimed conduct of the United States. The individual defendants in their individual briefs have disputed the inferences that can be drawn of support to Al Qaeda.

JUDGE CABRANES: Thanks very

Unofficial Transcript

47

much.

Mr. Kellogg.

MR. KELLOGG: Yes, Judge

Cabranes, may it please the court, I am arguing today on behalf of the National Commercial Bank, the Saudi Red Crescent and the Saudi Joint Relief Commission with respect to foreign sovereign immunity.

The only point I will make with respect to the National Commercial Bank is that the FSIA does not deprive the bank of due process rights and, therefore, the personal jurisdiction analysis adopted by the district court applies.

Since Mr. Carter did not address that issue in his argument, I will turn to the Saudi Red Crescent and the Saudi Joint Relief Commission.

Both of which, it is undisputed, are legitimate humanitarian organizations. The Saudi Red Crescent is their equivalent of the Red Cross.

Unofficial Transcript

48

1
2 It's a member of the International Red
3 Cross. The Saudi Joint Relief
4 Commission had humanitarian activities
5 in Kosovo and then in Chechnya.

6 It is undisputed that neither
7 organization has any offices, employees
8 or activities in the United States.
9 It's undisputed that they are both
10 instrumentalities of the Kingdom and
11 hence immune from suit unless one of
12 the FSIA exceptions apply.

13 And the torts exception does not
14 apply for several reasons. First,
15 because neither agency is alleged to
16 have engaged in any misconduct in the
17 United States.

18 Under the Supreme Court's
19 decision in *Amerada Hess*, under the
20 Sixth Circuit's decision in *O'Brien*,
21 the DC Circuit's decision in *Persinger*
22 and this court's recognition in
23 *Cabera*, the same principle, the
24 alleged misconduct, as well as the
25 injury, must occur in the United States

Unofficial Transcript

49

for the tort's exception to apply.

Secondary or derivative liability is not enough. The statute is very explicit on this point, and it says who can create liability to the foreign state.

And it says tortious acts or omission of that foreign state or any official or employee of that foreign state while acting within the scope of his office or employment. That's 1605 (a) (5).

There is no allegation that any of the hijackers were officials or employees of the defendants. There are no allegations that either of these sovereign defendants knew in advance about or participated in any way in planning or carrying out the 9/11 attacks.

JUDGE RAGGI: Now, I understand their theory to be that they still fit within the tort exception because there was injury or death in the United

Unofficial Transcript

50

1 States from the 9/11 attacks, and
2 they're saying it's caused by the
3 tortious act of material support in the
4 foreign state.
5

6 Why is that not a plausible
7 argument?

8 MR. KELLOGG: Because the Supreme
9 Court and several circuits including
10 this circuit have recognized that the
11 misconduct, as well as the effect of
12 the misconduct, must take place in the
13 United States.

14 The material support that they're
15 alleged to provide all happened
16 overseas, in Saudi Arabia or the Middle
17 East. And the statute does not allow
18 this sort of secondary liability
19 particularly based on the utterly
20 conclusory conspiracy allegations
21 offered here, which are repeated
22 verbatim for about two dozen different
23 organizations that they conspired with.
24 And that is simply not enough.

25 Otherwise, if there were

Unofficial Transcript

51

reciprocal treatment of that issue, the United States would be dragged into foreign courts based on policy decisions it makes here in the United States that allegedly have effects in foreign countries, that is not --

JUDGE RAGGI: That would depend on what their foreign statute was. I mean, you are arguing what the United States have chosen.

MR. KELLOGG: Correct. Correct. And the State Department has been very clear about this that they want the statute in order to get reciprocal rights with other countries. They do not want our statute to be extended to drag foreign sovereigns in for decisions, policy decisions in particular, that they make within their sovereign boundaries.

And that brings me, if I may, to the discretionary function point which you raise.

We put in an affidavit from the

Unofficial Transcript

52

1 head of these two organizations saying
2 we are engaged in humanitarian
3 activities, we are implementing the
4 policies of Saudi Arabia as to how this
5 money is distributed.
6

7 This court in the Schwarner
8 (phonetic) case made clear that any
9 failure to adequately police or monitor
10 that activity does not change the fact
11 that it is a discretionary function.

12 Mr. Carter said that Doe somehow
13 overruled that case. Doe had nothing
14 to do with the discretionary function.
15 It did not rule on the discretionary
16 function. It ruled only on the
17 question of whether the material
18 support decision was exclusive.

19 JUDGE CABRANES: Thank you.

20 Mr. Curran.

21 MR. CURRAN: May it please the
22 court, Christopher Curran. My client
23 is Al Rajhi Bank, and I speak on behalf
24 of it as well as the other financial
25 institution defendants that were

dismissed on 12 (b) (6).

There is, of course, no question that Iqbal and Twombly apply in the 12(b)(6) context, and we submit, and the district court found that when you strip away from the complaint the conclusory allegations, the mere recitations of statutory requirements, legal conclusions that are factored -- that are presented as factual allegations, when all that stuff is stripped away, the remaining factual content of the complaint is insufficient to establish knowledge on the part of the defendants that I represent.

Now, Mr. Carter a few moments ago referred, I think correctly, to the fact that the plaintiff's allegations hinge, at their core, on the connection between these banks and charities.

And Mr. Carter has suggested that the, that there was public and overwhelming information about the

1 charity's support of Al Qaeda.

2 That statement which, in and of
3 itself, is, well, conclusory, is in
4 fact contradicted by the allegations in
5 the complaint.
6

7 The Burnett complaint, which is
8 the only operative complaint as to Al
9 Rajhi, and that's by stipulation,
10 that's in the record, it states
11 beginning on Appendix 847 and pages
12 following that, that these charities
13 held themselves out to be bona fide
14 charities for humanitarian purposes,
15 that they diverted funds secretly,
16 unbeknownst to well-meaning donors,
17 that the cash was withdrawn leaving it
18 virtually untraceable, their support of
19 Al Qaeda.

20 Those factual allegations are
21 essentially judicial admissions that
22 are binding on the plaintiffs for the
23 entirety of this case, but they also
24 are more specific factual allegations
25 than the broad sweeping conclusions

Unofficial Transcript

55

that the banks knew or had to know what the charities were doing.

Mr. Carter also referred to allegations that certain individuals associated with the bank, in particular, the chairman of my client, Al Rajhi Bank, were on the board or advisory boards of certain of the charity and other attenuated connections to the charities.

I submit that those allegations should fair no better than the allegations in Iqbal itself that Attorney General Ashcroft and FBI Director Mueller knew, orchestrated and were instrumental in the discriminatory policy alleged in that case.

So what we're left with at bottom is that the allegations of knowledge on the part of the banks are conclusory and not only that, they are, in large part, contradicted by the factual allegations in the complaint.

And now in my remaining time

Unofficial Transcript

56

perhaps I can talk about proximate cause, and Mr. Carter referred to this in the context of two specific defendants.

But I submit that proximate causation is an alternative ground for the dismissal of all of the clients that I'm representing, all of the banks that I am representing, and that's because there cannot be any question that the language by reason of in the ATA derives from RICO which in turn derives from the Clayton Act and before that the Sherman Act.

But the Supreme Court has been crystal clear and repetitive in emphasizing that that language by reason of, necessarily means proximate cause. Not mere, but for cause, but a narrower subset of that, proximate cause.

Here, I don't think the plaintiffs made a serious argument that the allegations in their complaint

1 satisfy proximate cause.

2 And that, to the extent that's a
3 concession, it is a wise concession
4 because it can't be done here. Some
5 support vague in time, vague in amount,
6 vague in intention, of certain
7 charities who then pass on some
8 unspecified portion of their funds to
9 Al Qaeda, is too attenuated of a chain
10 under the rulings of the Supreme Court
11 and of this court.
12

13 JUDGE RAGGI: The suggestion,
14 though, that they make is that with
15 respect to some of the individual Al
16 Rajhi defendants, that there's much
17 more that Sulaiman Al Rajhi, the
18 managing director, is on the Golden
19 Chain and the board of IIRO, that Saleh
20 Al Rajhi, the chairman has the phone
21 number of the embassy bomber Al-Haj,
22 that Sheikh Saleh al-hussein has this
23 extraordinary coincidence on 9/11 of
24 being in the same Virginia hotel as
25 three of the hijackers.

Unofficial Transcript

58

1 They suggest that all of this
2 shows much, much more that makes
3 plausible their knowledge that the
4 charities to whom they were
5 contributing, at least certainly IIRO,
6 were part of this terrorist operation
7 by Al Qaeda.
8

9 Why is that not plausible?

10 MR. CURRAN: It's not plausible
11 either individually or cumulatively. I
12 mean zero, zero, all adds up to zero.

13 Each of those allegations is
14 attenuated and conclusory in and of
15 itself. And taken as a whole, they are
16 as well.

17 JUDGE RAGGI: (Inaudible). Al
18 Rajhi is on the Golden Chain is
19 conclusory. I thought it was on a
20 document.

21 MR. CURRAN: No, it is
22 conclusory.

23 I think their specific allegation
24 is that the word Al Rajhi appears on
25 the list and their own allegation is

Unofficial Transcript

59

that that list was comprised in the 1990's when Al Qaeda was supporting the Mujahideen in Afghanistan.

So how do you link up the word Al Rajhi then to donations to Al Qaeda leading to 9/11 a decade later?

JUDGE RAGGI: Well, I think they say he was on the board of that institution that funnels millions, tens of millions, if not more, dollars to Al Qaeda. Again it is a remarkable coincidence.

MR. CURRAN: Well, no -- not, no. First of all, I don't think there's any allegation in the Burnett complaint that the amount of any charity passed on to Al Qaeda.

I heard Mr. Klingler say a number when he was up here before but I don't think that's alleged in the Burnett complaint.

Secondly, those allegations -- okay so --

JUDGE RAGGI: And it's not

Unofficial Transcript

60

conclusory to say that Saleh Al Rajhi has the phone number of Al-Haj. It's not a conclusion?

MR. CURRAN: That allegation might be the other way around. It might be that the driver had a phone number for an Al Rajhi, but what does that prove?

I mean, does that plausibly suggest knowledge on the part of Al Rajhi Bank as to what the charities were doing with the money and the support for Al Qaeda? No, these are all attenuated, with multiple links of suspicion and speculation, and that's exactly what Iqbal says.

Iqbal says it's not enough to be suspicious, it is not enough to be speculative. There has to be factual content that gives rise to a plausible suggestion that the defendant is liable to the plaintiff and that doesn't add up even from those bits and pieces that are weaved together from many, many

Unofficial Transcript

61

years of a bank that has far-flung
branches, 2 million customers and --

JUDGE CABRANES: That's it.

Mr. Klingler has reserved two
minutes.

MR. CURRAN: We appreciate it.
Thank you.

MR. CARTER: Your Honor, Sean
Carter. I'm going to be handling the
rebuttal briefly.

Turning to the 12(b)(6) arguments
the court just heard, among other
things to try and unpack this, there
were additionally allegations, for
instance, that Sulaiman Al Rajhi was
responsible for founding something
called the SAAR network here in the
United States which was a network
alleged in the complaint to be
established for the specific purpose of
funneling resources to Al Qaeda and
terrorist organizations, and that was
the subject of a federal
counter-terrorism investigation and

Unofficial Transcript

62

raid.

And so, at a certain point the panoply of interrelationships among these folks and key members of Al Qaeda can't be explained by mere coincidence or the idea that the allegation that the charities on the one hand sought to conceal their activities from the greater public are somehow inconsistent with the allegations that the depth of their collaboration eventually led to investigations and public reporting, which is precisely what the complaints allege.

As to the Foreign Sovereign Immunities Act issues, I think the critical point that has come out during the course of this discussion is that the District Court itself has never had an opportunity to consider any of these issues, and for purposes, for instance, of the discretionary function analysis, it needs a chance to unpack the conduct which forms the basis of the claims and

Unofficial Transcript

63

determine whether or not the conduct at issue is prohibited by some law or regulation and therefore nondiscretionary.

And, again, with regard to this entire tort argument, the plain text of the statute indicates that the injury must occur in the United States.

The defendants substantially understate the depth of this court's analysis in Doe of the elements of the tort exception, because it was apparent to the court, on the face of that complaint, that Afghanistan was charged for its role in providing support to Al Qaeda in Afghanistan, but charged for responsibility with the tort that occurred in the United States and therefore within the exception.

And the court found no problem that the plaintiffs had met the territorial limitation.

Thank you, your Honor.

JUDGE CABRANES: Thank you very

Unofficial Transcript

64

much.

Now, we are mindful of the severe limitations of time we imposed on counsel in the nature of things and we are grateful for your effort and for your forbearance and your extensive briefing.

This matter is submitted for decision. We are adjourned.

(Record closed)

1	9		
<p>11 [6] - 1:5, 4:5, 22:12, 29:25, 30:19, 33:6 11-3204-cv [1] - 1:4 12 [10] - 12:9, 12:16, 14:2, 14:3, 14:17, 14:23, 16:4, 17:11, 18:12, 53:2 12(b)(6) [6] - 4:16, 15:24, 18:16, 19:18, 53:5, 61:12 13th [1] - 3:14 1501 [1] - 2:6 1605 [1] - 49:12 1615 [1] - 3:7 1900 [1] - 2:12 19103 [1] - 2:13 1988 [2] - 24:19, 25:7 1990's [2] - 45:14, 59:3 1993 [1] - 9:15 1998 [1] - 9:17</p>	<p>9/11 [7] - 7:20, 25:13, 30:12, 49:20, 50:2, 57:23, 59:7</p> <p>A</p> <p>a)(1) [1] - 15:7 a)(2) [1] - 15:3 a)(5) [1] - 49:13 abetted [1] - 31:5 abetting [5] - 20:2, 28:20, 29:19, 30:6, 30:23 abettors [1] - 29:21 ability [1] - 17:19 about [12] - 13:24, 24:3, 44:3, 45:18, 45:20, 45:22, 46:7, 49:19, 50:22, 51:14, 53:25, 56:2 Absolutely [1] - 40:5 access [1] - 16:8 account [1] - 23:9 accused [1] - 35:21 achieve [1] - 37:22 Act [8] - 19:15, 19:21, 28:10, 28:12, 28:16, 56:14, 56:15, 62:17 act [3] - 28:2, 28:6, 50:4 acted [1] - 20:20 acting [2] - 8:17, 49:11 action [3] - 7:19, 7:21, 20:8 active [6] - 4:19, 5:2, 6:18, 12:21, 13:11, 33:25 actively [1] - 6:24 activities [14] - 9:7, 22:23, 26:21, 26:23, 27:5, 27:16, 32:8, 45:20, 45:21, 45:24, 48:4, 48:8, 52:4, 62:9 activity [3] - 42:2, 42:4, 52:10 acts [3] - 29:23, 31:17, 49:8 actual [2] - 36:21 actually [4] - 8:19, 11:3, 34:25, 37:10 add [1] - 60:23 addition [1] - 23:15 additional [1] - 17:16 additionally [2] - 22:6, 61:15 address [3] - 4:14, 4:16, 47:18 addressing [1] - 19:11 adds [1] - 58:12 adequate [2] - 13:8, 30:4 adequately [2] - 28:14, 52:9 adjourned [1] - 64:10 admissions [1] - 54:21</p>	<p>adopted [1] - 47:16 advance [2] - 7:10, 49:18 advancing [2] - 6:25, 13:12 advisory [1] - 55:9 afar [1] - 6:17 affidavit [1] - 51:25 Afghanistan [4] - 32:24, 59:4, 63:15, 63:17 after [2] - 21:13, 35:22 again [3] - 22:25, 23:25, 63:6 Again [1] - 59:12 against [9] - 9:13, 20:4, 21:5, 26:9, 27:7, 27:17, 29:7, 30:16, 38:25 agency [1] - 48:15 agenda [6] - 7:2, 7:7, 7:10, 12:22, 13:12, 25:4 ago [1] - 53:18 agree [2] - 16:12, 18:4 agreed [1] - 40:22 ahead [1] - 13:4 aided [1] - 31:5 aiders [1] - 29:21 aiding [5] - 19:25, 28:19, 29:18, 30:5, 30:23 aim [1] - 7:10 aimed [5] - 36:25, 39:8, 42:6, 42:25, 46:19 aiming [2] - 39:3, 42:16 aims [2] - 4:21, 5:4 air [1] - 9:16 al [1] - 57:22 Al [102] - 5:6, 5:11, 5:15, 6:25, 7:5, 7:7, 8:5, 8:17, 8:19, 8:22, 8:23, 9:3, 9:8, 10:3, 10:16, 10:25, 11:10, 12:21, 12:24, 13:12, 13:18, 13:20, 17:20, 17:24, 20:16, 21:7, 21:11, 21:18, 21:22, 22:2, 22:4, 22:10, 22:19, 23:5, 23:7, 23:9, 23:10, 23:13, 23:21, 24:4, 24:6, 24:14, 24:23, 25:3, 25:8, 26:14, 26:19, 27:11, 27:13, 27:22, 27:24, 28:20, 29:11, 29:22, 31:2, 31:24, 32:19, 33:2, 34:17, 35:9, 36:9, 38:4, 38:16, 38:18, 38:20, 38:22, 39:17, 44:6, 44:21, 45:18, 46:24, 52:23, 54:2, 54:8, 54:19, 55:8, 57:10, 57:15, 57:17, 57:20, 57:21, 58:8, 58:17, 58:24, 59:3, 59:5, 59:6, 59:11, 59:18, 60:2, 60:3, 60:8, 60:11, 60:14, 61:16, 61:22, 62:5, 63:16 Al-Haj [2] - 57:21, 60:3 al-hussein [1] - 57:22 All [1] - 36:2</p>	<p>all [14] - 9:24, 25:19, 26:10, 32:11, 38:24, 41:21, 50:15, 53:12, 56:8, 56:9, 58:2, 58:12, 59:15, 60:15 allegation [11] - 9:23, 16:10, 37:23, 37:25, 45:6, 49:14, 58:23, 58:25, 59:16, 60:5, 62:7 allegations [33] - 10:12, 13:8, 13:13, 14:16, 17:10, 18:23, 22:13, 22:21, 23:24, 24:25, 34:5, 36:2, 36:5, 41:8, 45:15, 49:17, 50:20, 53:8, 53:12, 53:20, 54:5, 54:20, 54:24, 55:5, 55:12, 55:14, 55:20, 55:24, 56:25, 58:13, 59:23, 61:15, 62:11 allege [7] - 8:18, 23:7, 24:19, 40:4, 43:14, 45:13, 62:15 alleged [22] - 4:19, 5:2, 5:5, 5:14, 8:15, 9:2, 21:16, 34:13, 35:7, 35:15, 35:18, 35:25, 36:22, 38:22, 44:6, 46:6, 48:15, 48:24, 50:15, 55:18, 59:21, 61:20 allegedly [1] - 51:6 allies [1] - 25:10 allocated [1] - 4:7 allocation [1] - 26:11 allow [1] - 50:17 allowing [1] - 26:21 alone [1] - 14:16 also [7] - 5:15, 21:9, 25:12, 31:7, 36:7, 54:23, 55:4 alter [1] - 26:13 alternative [1] - 56:7 am [8] - 4:12, 9:22, 29:8, 30:9, 46:10, 47:5, 56:10 Am [1] - 31:3 Amerada [1] - 48:19 American [1] - 43:21 among [4] - 24:20, 34:14, 61:13, 62:4 amount [2] - 57:6, 59:17 analogize [1] - 36:13 analogue [1] - 32:22 analysis [4] - 26:6, 47:16, 62:23, 63:12 another [2] - 6:2, 12:16 answer [1] - 14:4 Anti [1] - 19:21 anti [3] - 27:18, 28:2, 28:6 Anti-Terrorism [1] - 19:21 anti-terrorism [3] - 27:18, 28:2, 28:6 any [16] - 6:18, 17:19, 34:24, 42:9, 43:12, 45:23, 48:7, 48:16, 49:9, 49:14, 49:19, 52:8, 56:11, 59:15,</p>
2			
<p>2 [1] - 61:3 20001-2113 [1] - 2:20 20005 [1] - 2:7 20005-3807 [1] - 3:15 2001 [3] - 1:5, 4:5, 5:14 20026 [1] - 3:9 2012 [1] - 1:7 26 [1] - 33:14</p>			
4			
<p>4 [1] - 1:7 40 [1] - 9:2 400 [1] - 3:8 4:15 [1] - 1:8</p>			
5			
<p>50 [1] - 9:2 51 [1] - 2:19</p>			
7			
<p>701 [1] - 3:14</p>			
8			
<p>8 [2] - 15:3, 15:7 847 [1] - 54:11</p>			

<p>59:17, 62:21 anything [1] - 35:25 apparent [1] - 63:13 Appeals [1] - 41:13 APPEALS [1] - 1:2 appeals [1] - 20:12 APPEARANCES [1] - 2:2 appears [1] - 58:24 appellants [2] - 4:13, 19:9 Appellants [2] - 2:5, 2:11 appellants' [1] - 33:18 Appellees [3] - 2:18, 3:6, 3:13 Appendix [1] - 54:11 applied [2] - 14:19, 14:22 applies [3] - 14:2, 42:9, 47:17 apply [6] - 14:3, 19:4, 48:12, 48:14, 49:2, 53:4 appreciate [1] - 61:7 appropriate [1] - 4:9 Arabia [2] - 50:16, 52:5 Arabia's [1] - 26:10 area [1] - 24:2 argue [3] - 12:11, 19:6, 46:4 arguing [3] - 38:9, 47:6, 51:10 argument [9] - 4:8, 29:2, 38:6, 38:13, 46:18, 47:19, 50:7, 56:24, 63:7 arguments [2] - 6:5, 61:12 arising [1] - 29:16 arm [1] - 34:14 article [2] - 36:22, 37:3 Ashcroft [1] - 55:15 aspect [1] - 42:25 assemble [1] - 16:8 asserted [1] - 28:18 associated [2] - 9:20, 55:6 assume [6] - 11:24, 24:14, 38:13, 38:17, 38:19, 38:24 Assuming [1] - 18:3 assumption [1] - 24:18 ATA [1] - 56:13 attack [9] - 9:17, 24:9, 27:22, 28:22, 30:12, 30:19, 30:22, 33:7, 44:10 attacked [1] - 38:20 attacking [2] - 25:9, 29:24 Attacks [4] - 1:5, 4:4, 7:13, 8:2 attacks [6] - 5:14, 9:13, 22:11, 27:7, 49:21, 50:2 ATTENDANCES [1] - 3:2 attenuated [7] - 34:8, 37:6, 39:2, 55:10, 57:10, 58:14, 60:15 attenuation [2] - 36:8, 40:9 Attorney [1] - 55:15</p>	<p>Attorneys [5] - 2:5, 2:11, 2:18, 3:6, 3:13 attribution [1] - 30:22 AUSTIN [1] - 2:4 author [1] - 36:21 authority [1] - 31:23 available [1] - 11:8 Avenue [1] - 2:19 avermment [2] - 14:13, 16:14 avowed [2] - 43:14, 44:9 aware [1] - 22:16</p> <p style="text-align: center;">B</p> <p>b)(2) [7] - 12:9, 12:17, 14:17, 14:23, 16:4, 17:11, 18:12 b)(2) [1] - 14:3 b)(6) [1] - 14:3 b)(6) [1] - 53:2 Ball [3] - 13:10, 14:9, 15:22 bank [6] - 23:8, 23:15, 23:20, 47:14, 55:6, 61:2 Bank [9] - 17:2, 23:5, 23:8, 23:10, 47:7, 47:12, 52:23, 55:8, 60:12 bank's [1] - 23:18 banks [4] - 53:22, 55:2, 55:21, 56:9 based [5] - 9:6, 12:20, 41:7, 50:19, 51:4 baseline [1] - 32:12 basic [1] - 18:20 basis [11] - 12:20, 17:22, 26:7, 26:8, 27:17, 28:12, 28:14, 28:16, 32:14, 36:23, 62:25 Because [4] - 7:7, 31:15, 44:16, 50:8 because [11] - 8:15, 17:18, 30:10, 37:9, 40:18, 43:8, 48:15, 49:24, 56:11, 57:5, 63:13 been [8] - 5:8, 14:18, 16:24, 30:4, 35:18, 38:22, 51:13, 56:16 Before [1] - 13:22 before [5] - 12:11, 34:19, 40:11, 56:14, 59:20 BEFORE [1] - 1:12 begin [1] - 21:12 beginning [1] - 54:11 begins [1] - 27:14 behalf [3] - 19:8, 47:6, 52:23 being [6] - 5:12, 26:24, 27:24, 45:17, 46:17, 57:24 Bell [1] - 14:15 besides [1] - 42:11 better [1] - 55:13</p>	<p>between [8] - 8:4, 10:25, 17:24, 21:20, 22:25, 24:12, 32:23, 53:22 Bin [5] - 5:17, 16:25, 17:14, 21:6, 23:2 binding [1] - 54:22 bit [1] - 11:24 bits [1] - 60:24 board [3] - 55:8, 57:19, 59:9 boards [1] - 55:9 Bojinka [1] - 9:16 bomber [1] - 57:21 bombings [3] - 9:16, 9:18, 38:24 bona [1] - 54:13 Bosnia [1] - 45:20 Bosnia's [1] - 45:16 Bosnian [1] - 45:15 both [8] - 7:13, 10:11, 14:4, 14:24, 17:13, 20:22, 41:18, 48:9 Both [1] - 47:22 bottom [1] - 55:19 boundaries [1] - 51:21 branch [3] - 35:19, 35:24, 36:3 branches [3] - 35:16, 35:17, 61:3 brief [5] - 33:22, 36:15, 40:13, 40:15, 41:12 briefing [2] - 25:19, 64:8 briefly [3] - 21:15, 25:15, 61:11 briefs [2] - 33:14, 46:22 bright [1] - 41:4 bringing [1] - 39:18 brings [1] - 51:22 broad [2] - 23:11, 54:25 broader [3] - 13:18, 22:24, 27:21 brunt [3] - 42:3, 42:19, 43:4 Burger [1] - 43:7 Burnett [3] - 54:7, 59:16, 59:21 business [1] - 42:10 BY [5] - 2:8, 2:14, 2:21, 3:10, 3:16</p> <p style="text-align: center;">C</p> <p>Caberia [1] - 48:23 Cabranes [1] - 47:5 CABRANES [21] - 1:14, 4:2, 4:22, 5:18, 7:15, 8:8, 8:12, 11:22, 13:4, 16:16, 16:23, 17:6, 18:3, 19:5, 24:13, 25:7, 33:8, 46:25, 52:19, 61:4, 63:25</p>	<p>calculation [1] - 7:11 Calder [11] - 7:14, 36:13, 36:17, 36:18, 39:5, 41:24, 41:25, 42:8, 42:9, 42:12, 44:17 calendar [1] - 4:3 California [1] - 37:17 call [2] - 5:20, 7:20 called [1] - 61:18 campaign [1] - 24:8 camps [3] - 9:4, 33:2, 33:5 can [15] - 7:15, 8:24, 11:12, 11:19, 14:17, 15:24, 16:3, 18:9, 18:18, 26:20, 43:25, 46:14, 46:23, 49:6, 56:2 can't [5] - 16:11, 17:23, 44:23, 57:5, 62:6 cannot [1] - 56:11 carrying [1] - 49:20 Carter [9] - 19:6, 19:8, 47:18, 52:12, 53:18, 53:23, 55:4, 56:3, 61:10 CARTER [20] - 2:14, 19:7, 24:16, 25:11, 25:23, 26:4, 26:17, 27:3, 27:20, 28:3, 28:11, 28:24, 29:9, 29:16, 30:17, 31:4, 31:7, 31:13, 31:15, 61:9 CASE [1] - 3:12 case [25] - 4:3, 4:18, 4:25, 6:11, 9:20, 11:15, 17:13, 18:11, 18:14, 21:14, 21:23, 23:5, 27:4, 32:24, 32:25, 33:3, 33:19, 33:20, 38:12, 38:14, 43:25, 52:8, 52:13, 54:23, 55:18 cases [3] - 5:17, 14:5, 23:2 Casey [1] - 9:10 cash [1] - 54:17 casual [1] - 34:19 causal [2] - 34:8, 37:6 causation [4] - 20:10, 21:2, 23:25, 56:7 cause [6] - 41:15, 56:3, 56:20, 56:22, 57:2 caused [1] - 50:3 causes [1] - 20:7 ceased [1] - 35:22 Center [1] - 9:16 certain [5] - 5:16, 55:5, 55:9, 57:7, 62:3 certainly [1] - 58:6 Chain [3] - 23:22, 57:19, 58:18 chain [5] - 34:8, 36:8, 37:6, 39:2, 57:10 chairman [4] - 23:18, 23:19, 55:7, 57:20 challenge [1] - 18:17 chance [1] - 62:24</p>
---	---	---	---

<p>change [1] - 52:10 characterization [1] - 34:21 characterize [2] - 7:24, 33:24 chargeable [1] - 29:22 charged [3] - 30:20, 63:15, 63:17 charitable [5] - 10:18, 17:21, 18:24, 21:25, 32:4 charities [16] - 13:15, 22:9, 23:18, 25:4, 35:20, 35:21, 39:25, 53:22, 54:12, 54:14, 55:3, 55:11, 57:8, 58:5, 60:12, 62:8 charity [8] - 23:9, 23:14, 26:19, 27:14, 44:20, 44:25, 55:10, 59:17 charity's [2] - 22:23, 54:2 Chechnya [3] - 45:19, 46:8, 48:5 check [1] - 6:16 choice [1] - 15:23 choose [1] - 34:11 chosen [2] - 46:4, 51:11 Christopher [1] - 52:22 CHRISTOPHER [1] - 3:16 circle [2] - 13:20, 34:18 circuit [2] - 42:7, 50:10 CIRCUIT [1] - 1:2 Circuit's [2] - 48:20, 48:21 circuits [1] - 50:9 claim [17] - 19:14, 20:5, 27:18, 28:2, 28:6, 28:9, 28:17, 28:18, 29:6, 29:10, 29:15, 29:16, 30:5, 30:14, 30:15, 30:18, 32:14 claims [11] - 5:24, 5:25, 19:13, 19:17, 19:24, 20:3, 21:5, 26:7, 26:9, 62:25 Clayton [1] - 56:14 clear [6] - 14:16, 32:9, 46:10, 51:14, 52:8, 56:17 clearly [2] - 24:6, 33:21 client [3] - 44:3, 52:22, 55:7 clients [2] - 35:17, 56:8 close [3] - 8:4, 9:7, 10:25 closed [1] - 64:11 closely [1] - 23:19 closer [2] - 8:14, 39:18 co [3] - 19:10, 22:3, 28:20 co-conspiracy [1] - 28:20 co-counsel [2] - 19:10, 22:3 coincidence [3] - 57:23, 59:13, 62:6 Cole [1] - 38:21 collaboration [1] - 62:12 collaborative [1] - 23:11 colleague [1] - 4:15</p>	<p>come [1] - 62:18 Commercial [3] - 17:2, 47:7, 47:12 Commission [4] - 25:13, 47:8, 47:21, 48:4 Committee [1] - 27:4 common [5] - 19:25, 28:18, 29:17, 29:20, 30:15 complaint [11] - 53:7, 53:14, 54:6, 54:7, 54:8, 55:24, 56:25, 59:16, 59:22, 61:20, 63:15 complaints [1] - 62:14 completely [1] - 42:5 compliance [1] - 32:10 components [7] - 5:5, 7:6, 8:19, 10:16, 11:2, 12:25, 17:20 comprised [1] - 59:2 conceal [1] - 62:9 concede [1] - 14:21 concerning [2] - 22:23, 26:10 concession [2] - 57:4 conclusion [1] - 60:4 conclusions [2] - 53:10, 54:25 conclusory [10] - 16:11, 37:24, 50:20, 53:8, 54:4, 55:21, 58:14, 58:19, 58:22, 60:2 conduct [16] - 12:4, 26:6, 26:8, 32:13, 32:15, 32:24, 37:2, 39:3, 39:7, 42:15, 42:17, 43:3, 43:9, 46:20, 62:24, 63:2 Congress [1] - 19:21 conjunction [2] - 8:17, 9:7 connection [1] - 53:21 connections [1] - 55:11 consider [1] - 62:21 considered [1] - 30:8 consistent [1] - 32:21 conspiracy [5] - 20:2, 28:20, 29:19, 30:23, 50:20 conspired [1] - 50:23 constituted [1] - 25:8 contained [1] - 20:14 content [2] - 53:14, 60:21 context [8] - 11:19, 13:18, 14:23, 18:25, 20:9, 42:10, 53:5, 56:4 continue [2] - 15:17, 45:25 Continued [1] - 3:2 contradicted [2] - 54:5, 55:23 contrary [1] - 45:13 contrast [1] - 6:22 contributed [2] - 9:14, 39:25</p>	<p>contributes [1] - 44:11 contributing [3] - 37:11, 37:13, 58:6 contribution [2] - 44:14, 44:24 contributions [4] - 6:14, 36:15, 38:15, 38:18 control [1] - 8:21 coordinating [1] - 5:15 coordination [3] - 7:4, 10:15, 12:24 core [1] - 53:21 correct [3] - 9:22, 25:11, 41:10 Correct [2] - 51:12 correctly [3] - 12:9, 39:5, 53:19 could [4] - 12:25, 13:5, 13:9, 38:14 counsel [5] - 4:6, 19:10, 22:3, 33:19, 64:5 count [3] - 43:16, 44:12, 44:18 counter [1] - 61:25 counter-terrorism [1] - 61:25 countries [2] - 51:7, 51:16 course [4] - 6:6, 42:9, 53:3, 62:19 court [30] - 4:12, 6:8, 8:6, 14:21, 15:16, 15:20, 18:19, 19:8, 30:7, 30:8, 31:16, 33:11, 33:18, 34:2, 34:9, 34:13, 38:12, 39:5, 40:9, 40:15, 43:21, 47:5, 47:16, 52:7, 52:22, 53:6, 57:12, 61:13, 63:14, 63:21 COURT [1] - 1:2 Court [12] - 12:2, 12:12, 18:14, 20:6, 24:2, 36:24, 40:12, 41:13, 50:9, 56:16, 57:11, 62:20 Court's [3] - 19:11, 21:3, 48:18 court's [6] - 19:16, 32:21, 33:15, 41:3, 48:22, 63:11 courts [2] - 42:7, 51:4 cover [2] - 26:20, 45:17 COZEN [1] - 2:10 create [1] - 49:6 credited [3] - 13:13, 14:17, 18:23 Crescent [3] - 47:7, 47:20, 47:24 criminal [2] - 24:22, 43:13 critical [4] - 22:2, 23:14, 46:17, 62:18 critically [1] - 22:7 Cross [2] - 47:25, 48:3 crystal [1] - 56:17</p>	<p>cumulatively [1] - 58:11 Curran [2] - 52:20, 52:22 CURRAN [7] - 3:16, 52:21, 58:10, 58:21, 59:14, 60:5, 61:7 customers [1] - 61:3</p> <p style="text-align: center;">D</p> <p>Daniels [2] - 19:3, 34:6 date [2] - 22:11, 24:7 DAY [1] - 2:17 DC [5] - 2:7, 2:20, 3:9, 3:15, 48:21 dealing [3] - 7:17, 13:19, 45:15 death [1] - 49:25 decade [1] - 59:7 December [1] - 1:7 decision [8] - 6:8, 27:9, 38:11, 48:19, 48:20, 48:21, 52:18, 64:10 decisions [4] - 26:10, 51:5, 51:19 defamation [1] - 42:11 defeat [1] - 14:17 defendant [9] - 6:24, 7:9, 34:5, 39:7, 41:14, 42:16, 45:24, 60:22 defendant's [1] - 15:23 defendants [37] - 7:22, 8:15, 9:11, 9:20, 12:14, 18:16, 20:4, 20:9, 20:16, 20:20, 21:4, 21:5, 21:20, 21:24, 22:16, 22:25, 24:12, 30:20, 33:13, 33:24, 34:17, 34:19, 34:24, 35:14, 39:14, 39:22, 39:23, 46:6, 46:13, 46:21, 49:16, 49:18, 52:25, 53:16, 56:5, 57:16, 63:10 defendants' [5] - 4:18, 4:25, 10:6, 13:19, 14:21 demurrer [1] - 16:5 denied [2] - 17:12, 17:18 Department [2] - 40:7, 51:13 depend [1] - 51:8 depends [1] - 40:6 deprive [1] - 47:13 depth [2] - 62:11, 63:11 derivative [1] - 49:3 derives [2] - 56:13, 56:14 describe [1] - 36:15 designated [2] - 5:8, 9:8 destruction [1] - 10:20 detail [2] - 20:15, 21:17 detailed [1] - 16:14 details [1] - 25:2 determinations [1] - 19:4</p>
--	---	--	---

<p>determine [2] - 18:12, 63:2 deterrent [1] - 19:23 development [1] - 22:3 did [10] - 10:2, 21:12, 31:2, 31:22, 34:6, 39:23, 39:24, 41:7, 47:18, 52:15 didn't [2] - 6:19, 22:21 differ [1] - 14:6 difference [1] - 14:7 different [10] - 5:25, 8:9, 8:10, 14:11, 14:20, 33:19, 35:10, 37:18, 45:4, 50:22 differently [1] - 7:25 direct [7] - 7:18, 7:19, 11:7, 18:8, 24:12, 26:12, 34:14 directed [4] - 9:25, 35:8, 36:2, 39:16 directing [2] - 4:20, 5:3 direction [1] - 13:2 directly [4] - 8:16, 8:22, 9:21, 32:3 Director [1] - 55:16 director [1] - 57:18 directors [2] - 11:4, 13:17 discounting [2] - 13:15, 13:17 discovery [12] - 12:3, 12:4, 14:11, 14:12, 14:15, 16:8, 16:17, 16:20, 17:7, 17:16, 17:19, 18:2 discretion [3] - 31:17, 32:16, 32:17 discretionary [9] - 26:2, 26:5, 29:5, 31:11, 51:23, 52:11, 52:14, 52:15, 62:23 discriminatory [1] - 55:17 discussion [1] - 62:19 dismissal [3] - 19:12, 41:9, 56:8 dismissed [2] - 40:23, 53:2 dismissing [5] - 19:17, 20:3, 21:3, 21:4, 40:16 disputed [1] - 46:22 distributed [1] - 52:6 distribution [3] - 25:25, 26:24, 29:4 District [8] - 12:2, 12:12, 18:14, 19:11, 20:5, 21:2, 24:2, 62:20 district [3] - 19:16, 47:16, 53:6 diverted [1] - 54:15 do [12] - 10:18, 12:3, 15:8, 15:10, 16:3, 18:5, 18:7, 18:18, 38:2, 51:16, 52:14, 59:5 document [2] - 23:22, 58:20 documented [2] - 22:8, 22:24</p>	<p>documents [1] - 25:2 Doe [5] - 31:16, 32:22, 52:12, 52:13, 63:12 does [10] - 6:24, 14:3, 15:14, 18:22, 47:13, 48:13, 50:17, 52:10, 60:8, 60:10 doesn't [4] - 15:7, 16:13, 25:25, 60:23 doing [3] - 32:10, 55:3, 60:13 dollars [1] - 59:11 don't [6] - 15:17, 45:23, 45:25, 56:23, 59:15, 59:20 donations [1] - 59:6 done [2] - 35:25, 57:5 donors [2] - 34:20, 54:16 down [2] - 13:23, 37:17 dozen [1] - 50:22 drag [2] - 15:19, 51:18 dragged [1] - 51:3 draw [2] - 10:24, 11:5 drawn [2] - 46:14, 46:23 drew [1] - 39:6 driver [1] - 60:7 dropped [1] - 5:12 due [2] - 41:22, 47:14 during [2] - 21:7, 62:18</p>	<p>43:18, 44:9, 44:13, 49:4, 50:24, 60:18, 60:19 Enquirer [4] - 36:20, 37:9, 37:11, 37:16 enterprise [1] - 36:16 entire [2] - 17:22, 63:7 entirely [1] - 10:24 entirety [1] - 54:23 entities [9] - 5:4, 6:21, 8:18, 25:22, 26:9, 27:2, 28:5, 29:22, 30:16 entitlement [1] - 15:4 entity [2] - 8:25, 21:18 equivalent [2] - 14:14, 47:25 error [2] - 21:10, 24:3 errors [1] - 13:14 essentially [4] - 6:16, 16:4, 28:19, 54:21 establish [5] - 6:12, 17:11, 17:25, 18:22, 53:15 established [2] - 10:14, 61:21 establishes [1] - 7:10 EVANS [1] - 3:5 even [5] - 37:7, 37:12, 38:17, 44:25, 60:24 eventually [1] - 62:12 every [1] - 23:12 evidence [1] - 12:21 evidentiary [1] - 24:21 exactly [4] - 18:5, 39:23, 41:24, 60:17 example [4] - 8:24, 23:6, 31:22, 34:12 exception [9] - 26:2, 26:3, 29:5, 31:12, 48:13, 49:2, 49:24, 63:13, 63:20 exceptions [1] - 48:12 exclusive [1] - 52:18 executives [1] - 23:15 exercise [3] - 32:16, 43:18, 44:13 exists [1] - 6:23 expect [1] - 43:20 explained [1] - 62:6 explicit [1] - 49:5 expressing [1] - 42:22 expressly [6] - 36:25, 39:3, 42:6, 42:16, 42:25, 46:19 extended [1] - 51:17 extensive [1] - 64:7 extensively [1] - 15:2 extent [7] - 20:8, 27:15, 36:4, 38:6, 41:13, 42:23, 57:3 extraordinary [1] - 57:23</p>	<p>F</p> <p>face [1] - 63:14 facie [1] - 14:5 facilities [3] - 26:22, 27:8, 28:23 fact [9] - 14:13, 20:21, 22:19, 28:21, 32:7, 43:6, 52:10, 53:20, 54:5 factored [1] - 53:10 facts [5] - 11:13, 13:9, 16:9, 16:14, 17:10 factual [8] - 21:9, 24:3, 53:11, 53:13, 54:20, 54:24, 55:23, 60:20 failure [3] - 19:13, 20:5, 52:9 fair [1] - 55:13 fall [1] - 25:25 falling [1] - 29:4 family [3] - 23:19, 34:15, 35:5 far [2] - 22:24, 61:2 far-flung [1] - 61:2 fatal [1] - 6:4 Fatwas [1] - 46:2 FBI [1] - 55:15 features [1] - 7:8 federal [1] - 61:24 felt [3] - 42:4, 42:19, 43:5 few [1] - 53:18 fide [1] - 54:13 figures [3] - 8:18, 9:8, 12:24 filed [1] - 33:14 final [1] - 4:3 financed [1] - 31:2 financial [2] - 23:12, 52:24 financier [1] - 23:21 financing [2] - 31:10, 32:2 finding [1] - 36:25 finds [1] - 18:19 First [4] - 20:14, 35:13, 48:14, 59:15 first [4] - 12:7, 14:9, 15:20, 34:9 fit [3] - 34:2, 34:21, 49:23 flung [1] - 61:2 focus [2] - 13:7, 26:5 focused [4] - 6:13, 6:17, 20:6, 24:2 FOGEL [1] - 3:5 folks [1] - 62:5 follow [1] - 4:16 following [1] - 54:12 FOR [1] - 1:2 forbearance [1] - 64:7 forces [1] - 32:9 Foreign [5] - 19:15, 28:9,</p>
	<p>E</p> <p>East [1] - 50:17 editor [1] - 36:21 effect [1] - 50:11 effects [1] - 51:6 efficient [1] - 18:20 effort [1] - 64:6 efforts [3] - 45:16, 46:8 egos [1] - 26:13 either [5] - 12:19, 15:19, 18:9, 49:17, 58:11 element [1] - 42:6 elements [5] - 16:12, 20:17, 42:13, 42:21, 63:12 else [2] - 31:6, 45:9 embassy [2] - 9:17, 57:21 emphasize [1] - 15:9 emphasizing [1] - 56:18 employee [1] - 49:10 employees [2] - 48:7, 49:16 employment [1] - 49:12 enables [1] - 37:16 enabling [1] - 33:6 ends [1] - 27:13 enemies [1] - 27:23 engage [2] - 31:17, 32:18 engaged [3] - 24:8, 48:16, 52:3 enjoys [1] - 25:13 enough [9] - 40:19, 43:10,</p>		

28:11, 28:15, 62:16 foreign [11] - 28:4, 37:2, 47:9, 49:6, 49:9, 49:10, 50:5, 51:4, 51:7, 51:9, 51:18 foresee [1] - 43:3 foreseeability [2] - 43:9, 43:10 form [2] - 32:25, 33:3 formally [1] - 5:11 formation [2] - 22:11, 24:8 formed [2] - 24:14, 24:19 forms [5] - 26:6, 26:8, 29:12, 32:13, 62:25 forth [1] - 14:9 forum [3] - 42:4, 42:20, 43:5 forward [2] - 11:15, 24:10 found [8] - 6:8, 8:6, 9:11, 25:14, 39:25, 40:10, 53:6, 63:21 foundational [1] - 25:3 founder [1] - 35:18 founding [1] - 61:17 four [1] - 36:14 fourth [1] - 5:11 frame [1] - 14:18 framework [2] - 14:10, 15:22 from [24] - 4:10, 5:24, 5:25, 6:16, 10:25, 11:13, 18:6, 22:11, 24:7, 24:9, 24:25, 30:11, 33:8, 42:6, 46:14, 48:11, 50:2, 51:25, 53:7, 56:13, 56:14, 60:24, 60:25, 62:9 front [1] - 19:3 fronts [4] - 22:20, 23:14, 37:12, 37:13 FSIA [2] - 47:13, 48:12 fully [3] - 22:4, 23:3, 24:24 function [8] - 26:5, 29:5, 31:11, 51:23, 52:11, 52:14, 52:16, 62:23 fundamental [1] - 31:18 funding [2] - 44:19, 44:21 funds [5] - 9:3, 25:25, 29:4, 54:15, 57:9 funneling [1] - 61:22 funnels [1] - 59:10 further [2] - 4:21, 38:19 furthering [1] - 5:3	gave [3] - 9:25, 34:8, 39:12 General [5] - 40:21, 40:22, 41:23, 42:22, 55:15 general [2] - 46:11, 46:18 generally [3] - 42:8, 42:12, 46:5 get [5] - 13:10, 15:11, 29:2, 37:8, 51:15 gets [2] - 36:8, 39:2 give [4] - 8:24, 20:18, 22:14, 23:3 gives [2] - 28:2, 60:21 giving [1] - 43:16 global [1] - 44:7 go [5] - 9:3, 18:9, 27:10, 33:16, 35:9 Go [1] - 13:4 going [7] - 10:3, 16:3, 19:6, 38:15, 45:9, 45:10, 61:10 Golden [3] - 23:22, 57:18, 58:18 got [1] - 43:14 governing [1] - 18:21 government [5] - 5:9, 5:10, 9:9, 24:21, 41:19 granted [2] - 12:10, 18:13 grateful [1] - 64:6 greater [1] - 62:10 ground [3] - 26:15, 40:18, 56:7 group [2] - 16:25, 17:14 growth [1] - 22:2	hearing [3] - 5:23, 12:15, 16:2 held [2] - 23:19, 54:13 helm [1] - 35:2 hence [1] - 48:11 Hess [1] - 48:19 highly [1] - 34:7 hijackers [2] - 49:15, 57:25 himself [3] - 5:17, 23:2, 23:20 hinge [1] - 53:21 hinges [2] - 4:18, 4:25 hold [3] - 35:2, 35:5, 40:19 holding [1] - 32:21 HON [3] - 1:14, 1:15, 1:17 Honor [19] - 6:7, 24:16, 25:12, 25:23, 26:4, 26:18, 27:3, 27:20, 28:3, 29:9, 30:2, 30:18, 31:4, 31:13, 39:21, 45:12, 46:9, 61:9, 63:24 hope [1] - 12:18 hotel [1] - 57:24 how [10] - 8:3, 8:8, 8:12, 12:3, 14:5, 29:3, 30:25, 31:5, 52:5, 59:5 How [3] - 8:10, 25:24, 31:6 however [3] - 14:15, 18:19, 34:11 HUBER [1] - 3:4 humanitarian [5] - 26:11, 47:23, 48:4, 52:3, 54:14 humanity [1] - 31:19 hussein [1] - 57:22	impossible [1] - 27:12 improper [1] - 21:8 improperly [1] - 18:13 inadequate [1] - 40:10 inaudible [1] - 35:23 Inaudible [2] - 40:3, 58:17 include [2] - 15:7, 27:5 included [2] - 9:15, 43:22 including [7] - 5:16, 21:23, 29:12, 29:13, 29:17, 50:9 inconsistent [1] - 62:10 incorporated [1] - 24:24 incorrect [1] - 41:16 independent [1] - 5:13 indicate [1] - 13:2 indicated [3] - 18:15, 19:10, 22:4 indicates [3] - 15:22, 44:12, 63:8 indication [1] - 42:15 indifference [1] - 20:21 indirect [2] - 6:13, 7:21 indirectly [1] - 32:4 individual [6] - 36:5, 36:6, 39:7, 46:21, 46:22, 57:15 individually [1] - 58:11 individuals [3] - 9:24, 21:21, 55:5 inference [6] - 10:24, 11:6, 11:20, 20:19, 22:15, 23:4 inferences [2] - 46:14, 46:23 inferred [1] - 11:13 influence [1] - 8:21 information [1] - 53:25 infrastructure [4] - 11:9, 21:23, 22:5, 23:17 injure [1] - 43:15 injury [6] - 41:16, 44:15, 45:7, 48:25, 49:25, 63:8 inner [2] - 13:20, 34:18 inquiry [2] - 14:10, 16:6 insofar [1] - 26:25 instance [4] - 12:8, 27:5, 61:16, 62:22 institution [2] - 52:25, 59:10 instruction [1] - 13:6 instrumental [1] - 55:17 instrumentalities [1] - 48:10 insufficient [3] - 6:10, 6:11, 53:15 integrated [2] - 5:5, 22:4 intend [2] - 38:17, 41:15 intended [2] - 19:22, 38:8 intent [13] - 6:12, 10:6, 10:12, 10:14, 10:17, 11:6, 11:12, 11:20, 12:23, 20:23,
H			
had [10] - 10:3, 16:7, 36:24, 36:25, 48:4, 52:13, 55:2, 60:7, 62:20, 63:22 hailed [2] - 15:16, 43:20 Haj [2] - 57:21, 60:3 hand [2] - 6:21, 62:8 handful [1] - 5:4 handling [1] - 61:10 HANSEN [1] - 3:4 happened [1] - 50:15 harm [3] - 7:12, 36:10, 43:4 harming [1] - 5:7 has [28] - 5:10, 14:18, 14:21, 27:18, 30:4, 32:14, 32:15, 34:2, 38:7, 38:20, 39:6, 42:14, 42:15, 42:18, 44:21, 46:13, 48:7, 51:13, 53:23, 56:16, 57:20, 57:22, 60:3, 60:20, 61:2, 61:5, 62:18, 62:20 haven [1] - 29:13 head [2] - 39:15, 52:2 hear [2] - 4:10, 33:8 heard [2] - 59:19, 61:13	I		
idea [1] - 62:7 identified [2] - 23:13, 23:20 Ill [7] - 5:20, 6:2, 6:3, 7:13, 7:22, 8:3, 40:10 IIRO [6] - 8:25, 9:21, 34:12, 34:13, 57:19, 58:6 illustrative [1] - 23:6 imbedded [3] - 21:22, 23:16, 26:25 Imbedding [1] - 26:18 imbedding [1] - 29:18 immune [1] - 48:11 Immunities [5] - 19:15, 28:10, 28:12, 28:16, 62:17 immunity [2] - 25:21, 47:10 impact [1] - 42:19 imperfectly [1] - 7:16 implementing [1] - 52:4 implicate [1] - 19:19 implicated [1] - 22:10 implications [1] - 18:24 important [1] - 43:2 imposed [1] - 64:4			
G			
GAUCH [14] - 2:21, 33:10, 35:11, 37:24, 38:11, 39:20, 40:5, 40:14, 40:20, 41:21, 44:5, 44:16, 45:12, 46:9 Gauch [2] - 33:9, 33:11			

<p>37:22, 41:5, 41:18 intention [1] - 57:7 intentional [2] - 11:16, 12:5 interested [1] - 5:23 interests [1] - 38:20 International [1] - 48:2 international [1] - 31:19 interrelationships [1] - 62:4 introductions [1] - 33:16 investigation [1] - 61:25 investigations [1] - 62:13 involved [3] - 5:15, 27:16, 35:22 involvement [3] - 6:20, 7:19, 26:13 Iqbal [9] - 14:14, 14:22, 14:24, 15:10, 16:14, 53:4, 55:14, 60:17, 60:18 Iqbal-Twombly [1] - 14:14 Islam [1] - 27:23 isolated [1] - 23:8 issue [16] - 12:8, 13:10, 13:16, 13:21, 18:4, 20:4, 21:2, 21:16, 22:8, 32:23, 33:15, 40:25, 43:24, 47:19, 51:2, 63:3 issues [6] - 4:15, 4:17, 17:4, 20:10, 62:17, 62:22 itself [4] - 54:4, 55:14, 58:15, 62:20</p>	<p>judgment [3] - 12:15, 15:25, 18:18 judicial [1] - 54:21 jurisdiction [16] - 4:15, 6:4, 6:23, 13:24, 15:19, 17:17, 18:5, 18:22, 28:13, 28:15, 33:12, 40:24, 43:11, 43:19, 44:14, 47:15 jurisdictional [5] - 15:6, 16:5, 16:17, 16:20, 17:7 Justice [3] - 14:25, 40:8</p>	<p>language [7] - 15:3, 15:8, 36:14, 41:2, 41:14, 56:12, 56:18 large [1] - 55:22 later [1] - 59:7 latter [1] - 14:9 law [12] - 19:25, 28:17, 28:18, 29:17, 29:20, 30:15, 31:19, 31:20, 32:6, 32:11, 43:7, 63:3 lay [1] - 42:13 lead [2] - 11:20, 43:4 leader [1] - 35:19 leaders [4] - 7:5, 8:23, 10:15, 35:15 leading [3] - 5:13, 7:19, 59:7 least [6] - 6:9, 12:12, 20:20, 21:4, 34:24, 58:6 leave [1] - 33:15 leaving [1] - 54:17 led [1] - 62:12 left [2] - 21:13, 55:19 legal [2] - 21:9, 53:10 legitimate [1] - 47:23 length [1] - 25:5 less [2] - 8:13 lesser [1] - 20:8 level [3] - 26:15, 30:2, 30:3 liability [6] - 19:20, 20:2, 29:19, 49:3, 49:6, 50:18 liable [2] - 40:19, 60:22 libel [1] - 37:16 libelous [1] - 36:23 lift [1] - 4:22 light [1] - 39:5 limitation [1] - 63:23 limitations [1] - 64:4 limited [1] - 45:24 line [3] - 9:17, 39:6, 41:4 link [5] - 17:23, 17:25, 18:24, 24:12, 59:5 linking [1] - 20:15 links [1] - 60:15 list [2] - 58:25, 59:2 literature [1] - 5:21 litigation [1] - 41:9 little [1] - 11:24 lived [1] - 37:3 LLP [1] - 2:4 local [3] - 31:19, 32:6, 32:11 look [3] - 34:4, 36:5, 42:12 looked [1] - 42:8 looking [1] - 44:25 lose [1] - 17:15 lost [1] - 30:9 Louisiana [1] - 2:19</p>	<p>M</p> <p>made [3] - 46:17, 52:8, 56:24 main [2] - 45:5, 45:10 maintained [1] - 23:8 make [10] - 11:8, 15:15, 15:18, 19:3, 24:17, 33:25, 46:10, 47:11, 51:20, 57:14 makes [4] - 14:16, 16:10, 51:5, 58:3 making [1] - 32:9 manage [1] - 6:19 managers [1] - 11:4 managing [1] - 57:18 many [3] - 23:2, 60:25 Market [1] - 2:12 material [8] - 29:10, 30:11, 32:18, 36:19, 37:8, 50:4, 50:14, 52:17 matter [3] - 11:25, 12:16, 64:9 may [4] - 5:19, 11:23, 47:5, 51:22 May [5] - 4:11, 13:3, 19:7, 33:10, 52:21 me [7] - 5:19, 30:11, 34:23, 43:16, 44:12, 44:18, 51:22 mean [4] - 46:4, 51:10, 58:12, 60:10 meaning [1] - 54:16 meaningless [1] - 43:8 means [1] - 56:19 meet [1] - 20:24 meetings [1] - 25:3 member [4] - 5:22, 21:19, 24:23, 48:2 members [3] - 26:19, 27:6, 62:5 mental [2] - 20:6, 21:15 mere [3] - 53:8, 56:20, 62:6 merely [4] - 22:22, 23:6, 26:17, 27:9 merits [1] - 12:13 met [1] - 63:22 MICHAEL [1] - 3:10 microphone [1] - 4:23 Middle [1] - 50:16 might [5] - 6:10, 7:20, 43:4, 60:6, 60:7 million [1] - 61:3 millions [2] - 59:10, 59:11 mindful [1] - 64:3 minority [1] - 42:23 minutes [1] - 61:6 misconduct [4] - 48:16, 48:24, 50:11, 50:12 missing [2] - 29:8, 31:3 Mohammad [1] - 6:17</p>
<p>J</p> <p>JAMES [1] - 2:21 James [1] - 33:11 JED [1] - 1:17 Joint [3] - 47:8, 47:21, 48:3 joint [1] - 33:21 JONES [1] - 2:17 JOSE [1] - 1:14 Judge [4] - 9:10, 19:3, 34:6, 47:4 JUDGE [60] - 4:2, 4:22, 5:18, 7:15, 8:8, 8:12, 9:22, 10:10, 10:17, 11:11, 11:22, 13:4, 13:22, 15:11, 15:13, 16:16, 16:23, 17:6, 18:3, 19:5, 24:13, 25:7, 25:17, 25:24, 26:16, 26:23, 27:15, 27:25, 28:8, 28:22, 28:25, 29:14, 30:9, 30:25, 31:6, 31:8, 31:14, 33:8, 34:23, 37:20, 38:3, 39:10, 40:3, 40:7, 40:17, 41:11, 43:12, 44:8, 45:3, 45:22, 46:25, 49:22, 51:8, 52:19, 57:13, 58:17, 59:8, 59:25, 61:4, 63:25</p>	<p>K</p> <p>K-For [1] - 32:9 KELLOGG [5] - 3:4, 3:10, 47:4, 50:8, 51:12 Kellogg [1] - 47:3 Kennedy [1] - 14:25 Kenya [1] - 38:23 key [4] - 33:22, 41:23, 44:18, 62:5 Khalifa [1] - 9:12 kind [2] - 23:23, 32:14 King [1] - 43:7 Kingdom [1] - 48:10 KLINGLER [19] - 2:8, 4:11, 4:24, 6:6, 7:23, 8:10, 8:14, 10:8, 10:13, 10:22, 11:18, 12:7, 13:5, 14:8, 15:21, 16:19, 17:3, 17:8, 18:9 Klingler [6] - 4:10, 4:12, 4:23, 5:18, 59:19, 61:5 knew [7] - 37:25, 38:4, 38:8, 44:3, 49:18, 55:2, 55:16 know [11] - 10:19, 14:20, 15:11, 15:12, 28:25, 30:13, 35:4, 38:19, 38:21, 45:10, 55:2 knowing [6] - 6:9, 7:3, 10:2, 11:16, 12:5 Knowing [2] - 10:9, 10:13 knowingly [1] - 31:24 knowledge [10] - 10:11, 12:22, 20:22, 37:20, 42:3, 42:18, 53:15, 55:20, 58:4, 60:11 known [1] - 35:8 Kosovo [5] - 27:8, 28:23, 30:12, 31:22, 48:5</p>	<p>L</p> <p>lack [2] - 6:18, 40:23 Laden [5] - 5:17, 16:25, 17:14, 21:7, 23:2 laid [4] - 24:11, 33:21, 34:3, 46:13</p>	

<p>moment ^[1] - 11:24 moments ^[1] - 53:18 money ^[21] - 9:25, 10:2, 10:6, 26:16, 26:18, 26:25, 27:10, 29:12, 31:23, 33:4, 35:9, 36:9, 37:15, 39:12, 39:17, 43:17, 44:11, 45:9, 45:17, 52:6, 60:13 monitor ^[1] - 52:9 months ^[1] - 5:13 most ^[3] - 20:16, 23:13, 42:7 motion ^[2] - 12:17, 14:18 motions ^[2] - 12:9, 18:12 move ^[4] - 12:14, 12:15, 15:24, 16:2 MR ^[59] - 4:11, 4:24, 6:6, 7:23, 8:10, 8:14, 10:8, 10:13, 10:22, 11:18, 12:7, 13:5, 14:8, 15:21, 16:19, 17:3, 17:8, 18:9, 19:7, 24:16, 25:11, 25:23, 26:4, 26:17, 27:3, 27:20, 28:3, 28:11, 28:24, 29:9, 29:16, 30:17, 31:4, 31:7, 31:13, 31:15, 33:10, 35:11, 37:24, 38:11, 39:20, 40:5, 40:14, 40:20, 41:21, 44:5, 44:16, 45:12, 46:9, 47:4, 50:8, 51:12, 52:21, 58:10, 58:21, 59:14, 60:5, 61:7, 61:9 Mueller ^[1] - 55:16 Mujahideen ^[1] - 59:4 multiple ^[1] - 60:15 must ^[4] - 41:15, 48:25, 50:12, 63:9</p>	<p>network ^[2] - 61:18, 61:19 never ^[2] - 14:22, 62:20 nexus ^[2] - 8:3, 10:25 no ^[13] - 10:17, 31:16, 32:17, 36:24, 39:9, 40:21, 49:14, 49:17, 53:3, 55:13, 59:14, 63:21 No ^[6] - 28:24, 31:13, 40:5, 58:21, 60:14 nonactive ^[1] - 6:15 noncommercial ^[1] - 26:3 nondiscretionary ^[1] - 63:5 note ^[1] - 34:10 nothing ^[1] - 52:13 notion ^[1] - 21:11 notorious ^[1] - 20:17 number ^[8] - 25:17, 34:25, 42:9, 44:22, 57:21, 59:19, 60:3, 60:8</p>	<p>opportunity ^[1] - 62:21 opposed ^[1] - 7:20 orchestrated ^[1] - 55:16 order ^[3] - 15:16, 33:25, 51:15 organization ^[4] - 9:10, 32:19, 35:23, 48:7 organizations ^[20] - 5:9, 11:8, 11:9, 17:21, 18:25, 21:21, 21:25, 22:18, 32:3, 32:5, 35:2, 35:7, 35:16, 39:13, 39:16, 47:24, 50:23, 52:2, 61:23 Osama ^[3] - 5:17, 21:6, 23:2 Otherwise ^[1] - 50:25 otherwise ^[3] - 4:20, 5:3, 6:20 outset ^[1] - 15:18 overruled ^[1] - 52:13 overseas ^[2] - 35:17, 50:16 overwhelming ^[2] - 20:15, 53:25 own ^[1] - 58:25</p>	<p>percent ^[1] - 9:2 perform ^[1] - 26:20 perhaps ^[2] - 37:14, 56:2 Persinger ^[1] - 48:21 person ^[2] - 36:6, 44:23 personal ^[9] - 4:14, 6:4, 6:23, 13:24, 18:4, 33:12, 43:18, 44:13, 47:15 pertain ^[1] - 25:18 pervasively ^[1] - 22:17 petitioners ^[1] - 36:17 phase ^[2] - 19:12, 21:7 Philadelphia ^[1] - 2:13 phone ^[3] - 57:20, 60:3, 60:7 phonetic ^[1] - 52:8 piece ^[1] - 41:23 pieces ^[1] - 60:24 place ^[2] - 15:20, 50:12 plain ^[1] - 63:7 plaintiff ^[3] - 4:13, 19:9, 60:23 plaintiff's ^[2] - 16:6, 53:20 plaintiff-appellants ^[1] - 19:9 Plaintiffs ^[2] - 20:11, 28:13 plaintiffs ^[10] - 20:23, 23:7, 33:23, 36:11, 37:5, 43:13, 44:5, 54:22, 56:24, 63:22 plaintiffs' ^[2] - 19:19, 19:24 planning ^[1] - 49:20 plausibility ^[3] - 14:2, 14:5, 15:15 plausible ^[8] - 15:18, 38:7, 38:8, 50:6, 58:4, 58:9, 58:10, 60:21 plausibly ^[1] - 60:10 play ^[1] - 41:8 plead ^[2] - 28:14, 41:18 pleading ^[3] - 19:12, 28:17, 30:4 pleadings ^[8] - 10:23, 20:14, 20:17, 21:11, 21:16, 22:6, 24:11, 24:18 PLLC ^[1] - 3:5 plots ^[1] - 22:10 plotting ^[1] - 27:7 point ^[13] - 11:23, 24:9, 33:22, 36:7, 43:8, 44:19, 46:11, 46:17, 47:11, 49:5, 51:23, 62:3, 62:18 police ^[1] - 52:9 policies ^[1] - 52:5 policy ^[3] - 51:4, 51:19, 55:18 portion ^[1] - 57:9 position ^[3] - 13:25, 40:12, 40:14 positions ^[2] - 35:3, 35:6</p>
<p>N</p> <p>N.W ^[4] - 2:6, 2:19, 3:7, 3:14 narrower ^[1] - 56:21 National ^[7] - 16:25, 36:20, 37:9, 37:11, 37:15, 47:6, 47:12 national ^[1] - 36:3 nature ^[4] - 6:14, 13:15, 41:6, 64:5 NCB ^[4] - 16:21, 17:13, 17:17, 17:24 NCB's ^[1] - 17:19 necessarily ^[2] - 39:21, 56:19 necessary ^[5] - 6:12, 13:9, 24:17, 41:20, 46:12 need ^[3] - 15:3, 16:13, 34:22 needs ^[2] - 16:9, 62:24 neither ^[2] - 48:6, 48:15</p>	<p>O</p> <p>O'Brien ^[1] - 48:20 O'CONNOR ^[1] - 2:10 object ^[2] - 37:3, 45:11 objective ^[2] - 5:6, 45:6 objectives ^[2] - 44:22, 45:5 obligating ^[1] - 10:10 observed ^[1] - 31:16 obviously ^[2] - 16:7, 36:10 occur ^[2] - 48:25, 63:9 occurred ^[1] - 63:19 OF ^[1] - 1:2 off ^[1] - 11:23 offered ^[1] - 50:21 office ^[1] - 49:12 offices ^[1] - 48:7 official ^[1] - 49:10 officials ^[5] - 5:16, 9:18, 9:19, 11:2, 49:15 omission ^[1] - 49:9 omitting ^[1] - 41:23 once ^[1] - 15:15 one ^[10] - 9:11, 13:23, 16:6, 23:13, 35:20, 39:10, 39:18, 41:17, 48:11, 62:8 One ^[1] - 35:17 only ^[7] - 7:3, 28:9, 43:2, 47:11, 52:16, 54:8, 55:22 operate ^[2] - 6:19, 11:3 operating ^[3] - 4:19, 5:2, 31:21 operation ^[3] - 38:23, 44:7, 58:7 operations ^[2] - 9:5, 13:19 operative ^[1] - 54:8 operators ^[1] - 13:16 opinion ^[2] - 34:9, 41:3 opinions ^[1] - 15:2</p>	<p>P</p> <p>p.m ^[1] - 1:8 PA ^[1] - 2:13 pages ^[1] - 54:11 paint ^[1] - 34:16 panel ^[1] - 5:22 panoply ^[1] - 62:4 parallel ^[1] - 15:6 parcel ^[1] - 27:21 part ^[8] - 27:21, 31:5, 31:10, 53:16, 55:21, 55:23, 58:7, 60:11 participants ^[1] - 33:25 participate ^[1] - 6:24 participated ^[1] - 49:19 participating ^[1] - 8:16 participation ^[3] - 12:21, 13:11, 27:6 particular ^[6] - 16:21, 16:22, 32:7, 34:10, 51:20, 55:7 particularly ^[3] - 5:23, 17:16, 50:19 parties ^[1] - 16:21 pass ^[1] - 57:8 passage ^[1] - 41:25 passed ^[1] - 59:17 patient ^[1] - 35:23 pause ^[1] - 34:9 people ^[5] - 8:21, 35:5, 36:18, 37:8, 39:14 perceive ^[1] - 38:14 perceived ^[1] - 27:23</p>	

<p>post [2] - 14:11, 18:2 Post [1] - 14:12 powerful [1] - 19:22 pre [1] - 14:11 Pre [1] - 14:15 Pre-discovery [1] - 14:15 precepts [1] - 31:18 precise [1] - 32:22 precisely [1] - 62:14 precluded [1] - 31:11 predicated [1] - 21:8 prepared [1] - 11:15 present [1] - 23:24 presented [1] - 53:11 pretense [1] - 5:12 prevail [3] - 11:25, 15:10, 20:11 previously [2] - 30:7, 30:8 prima [1] - 14:5 Prince [1] - 6:17 princes [6] - 6:15, 38:14, 38:25, 39:11, 39:24, 40:22 princes' [1] - 8:5 principal [1] - 23:21 principally [2] - 19:19, 20:6 principle [1] - 48:23 principles [2] - 18:21, 29:18 Pristina [1] - 27:8 problem [2] - 36:24, 63:21 proceed [2] - 12:13, 15:25 proceeds [1] - 18:15 process [1] - 47:14 proffer [1] - 24:21 program [2] - 12:3, 27:21 prohibited [1] - 63:3 prohibiting [1] - 31:25 prominently [1] - 7:8 prompted [1] - 32:8 proper [1] - 13:6 properly [2] - 13:13, 40:23 propose [1] - 12:4 prosecution [1] - 24:22 prove [3] - 10:11, 44:2, 60:9 provide [3] - 44:18, 44:19, 50:15 provided [3] - 21:6, 23:10, 24:22 providing [8] - 30:11, 33:2, 33:4, 36:19, 37:14, 44:20, 44:24, 63:16 provision [1] - 29:10 proxies [1] - 22:19 proximate [5] - 56:2, 56:6, 56:19, 56:21, 57:2 public [4] - 22:22, 53:24, 62:10, 62:13 publicly [1] - 22:9 purpose [8] - 10:7, 25:9,</p>	<p>37:21, 43:14, 43:23, 44:3, 44:9, 61:21 purposes [2] - 54:14, 62:22 pursuant [3] - 19:13, 19:14, 19:17 pursuing [1] - 37:5 put [2] - 6:2, 51:25</p> <p style="text-align: center;">Q</p> <p>Qaeda [71] - 5:6, 5:12, 5:16, 7:5, 8:5, 8:17, 8:19, 8:22, 8:23, 9:4, 9:8, 10:3, 10:16, 11:2, 11:10, 12:24, 13:21, 17:20, 17:24, 21:11, 21:18, 21:22, 22:10, 22:19, 22:20, 23:9, 23:21, 24:6, 24:15, 24:23, 25:3, 25:8, 26:14, 26:19, 27:11, 27:13, 27:22, 28:21, 29:11, 29:22, 31:3, 31:24, 32:19, 33:2, 35:9, 36:9, 38:5, 38:16, 38:18, 38:20, 38:22, 39:17, 44:6, 44:21, 45:18, 46:24, 54:2, 54:19, 57:10, 58:8, 59:3, 59:6, 59:12, 59:18, 60:14, 61:22, 62:5, 63:17 Qaeda's [13] - 6:25, 7:7, 12:22, 13:12, 13:18, 20:16, 21:7, 22:2, 22:5, 23:13, 24:4, 27:24, 34:18 question [7] - 8:3, 13:23, 25:21, 29:25, 52:17, 53:3, 56:11 questions [1] - 25:18</p> <p style="text-align: center;">R</p> <p>RAGGI [40] - 1:15, 9:22, 10:10, 10:17, 11:11, 13:22, 15:11, 25:17, 25:24, 26:16, 26:23, 27:15, 27:25, 28:8, 28:22, 28:25, 29:14, 30:9, 30:25, 31:6, 31:8, 31:14, 34:23, 37:20, 38:3, 39:10, 40:3, 40:7, 40:17, 41:11, 43:12, 44:8, 45:3, 45:22, 49:22, 51:8, 57:13, 58:17, 59:8, 59:25 raid [2] - 32:8, 62:2 raise [2] - 45:17, 51:24 raising [1] - 26:24 Rajhi [16] - 23:5, 23:7, 23:10, 52:23, 54:9, 55:8, 57:16, 57:17, 57:20, 58:18, 58:24, 59:6, 60:2, 60:8, 60:12, 61:16 RAKOFF [2] - 1:17, 15:13 ran [1] - 27:22</p>	<p>range [3] - 21:19, 22:24, 23:11 rather [4] - 17:24, 23:10, 26:12, 27:11 re [6] - 1:4, 4:4, 5:20, 5:25, 6:3, 7:22 reached [1] - 40:15 reaffirmed [1] - 14:19 real [1] - 43:24 really [2] - 24:17, 27:13 reason [4] - 14:19, 14:23, 56:12, 56:19 reasonable [4] - 10:24, 11:5, 20:19, 22:15 reasoning [1] - 44:17 reasons [2] - 20:13, 48:14 rebuttal [1] - 61:11 rebutted [1] - 21:10 reciprocal [2] - 51:2, 51:15 recitations [1] - 53:9 reckless [1] - 20:20 recognition [1] - 48:22 recognize [1] - 41:7 recognized [2] - 5:10, 50:10 Record [1] - 64:11 record [1] - 54:10 recruitment [1] - 9:4 Red [5] - 47:7, 47:20, 47:24, 47:25, 48:2 REENA [1] - 1:15 reference [2] - 24:20, 24:25 referred [3] - 53:19, 55:4, 56:3 reflected [1] - 12:23 regard [4] - 20:25, 23:25, 28:4, 63:6 regarding [2] - 15:3, 15:4 regulation [1] - 63:4 related [3] - 13:14, 16:20, 25:19 relating [1] - 10:19 relation [1] - 17:20 relationship [3] - 8:4, 21:17, 27:12 relationships [1] - 21:19 relentlessly [1] - 24:9 relied [1] - 15:2 Relief [4] - 27:4, 47:8, 47:21, 48:3 relief [4] - 15:5, 45:15, 45:16, 46:8 rely [1] - 16:4 relying [1] - 34:7 remaining [2] - 53:13, 55:25 remand [2] - 18:7, 18:8 remanded [3] - 12:2, 13:2, 13:6</p>	<p>remarkable [1] - 59:12 remedy [1] - 18:6 remembers [1] - 34:13 remote [3] - 8:7, 8:13 remove [1] - 6:10 removed [1] - 39:11 removing [1] - 42:5 render [1] - 43:7 repeated [1] - 50:21 repeatedly [1] - 22:9 repetitive [1] - 56:17 reply [1] - 36:14 report [1] - 25:14 reporting [2] - 22:22, 62:13 represent [2] - 33:12, 53:17 representing [4] - 4:13, 11:14, 56:9, 56:10 require [1] - 16:15 required [5] - 7:13, 14:13, 20:24, 41:4, 46:19 requirements [2] - 20:7, 53:9 requires [1] - 42:2 reserved [1] - 61:5 resident [1] - 37:17 resolve [2] - 12:20, 18:11 resolved [1] - 12:17 resources [4] - 62:12, 29:11, 33:4, 61:22 respect [12] - 16:24, 22:7, 25:22, 36:6, 39:21, 41:22, 45:14, 46:11, 46:18, 47:9, 47:12, 57:15 responsibility [2] - 30:21, 63:18 responsible [1] - 61:17 rest [1] - 22:21 result [1] - 40:16 results [1] - 44:15 Richard [1] - 4:12 RICHARD [1] - 2:8 RICO [1] - 56:13 right [11] - 7:24, 10:8, 10:16, 11:18, 11:21, 16:18, 16:23, 17:3, 27:2, 27:18, 40:16 Right [1] - 41:21 rights [2] - 47:14, 51:16 rise [4] - 20:18, 22:14, 23:4, 60:21 road [1] - 37:17 role [7] - 4:19, 5:2, 6:15, 6:18, 8:5, 13:19, 63:16 roles [2] - 5:14, 13:16 rolled [1] - 5:11 royal [2] - 34:15, 35:5 rule [4] - 15:6, 34:2, 41:4, 52:15 Rule [4] - 4:16, 15:2, 15:7,</p>
--	--	---	--

<p>19:18 ruled [1] - 52:16 rules [1] - 18:21 ruling [2] - 17:9, 17:11 rulings [5] - 19:17, 19:18, 20:12, 21:3, 57:11 run [1] - 35:4</p>	<p>setting [1] - 32:8 seven [3] - 9:19, 33:13 several [4] - 23:17, 37:18, 48:14, 50:9 severe [1] - 64:3 she [1] - 42:23 Sheikh [1] - 57:22 Sherman [1] - 56:15 should [7] - 14:6, 17:12, 18:23, 20:11, 27:10, 28:4, 55:13 show [2] - 20:22, 34:22 showing [8] - 13:7, 15:4, 15:8, 15:15, 15:18, 38:4, 46:12, 46:19 shown [2] - 7:2, 12:22 shows [1] - 58:3 SIDLEY [1] - 2:4 simple [3] - 20:13, 21:9, 24:3 simply [6] - 21:14, 21:17, 32:17, 34:19, 46:10, 50:24 Since [1] - 47:18 single [2] - 21:17, 23:9 sit [1] - 13:22 situation [1] - 7:18 Sixth [1] - 48:20 SJRC [2] - 27:7, 31:22 slightly [1] - 7:25 Solicitor [4] - 40:20, 40:21, 41:22, 42:22 Some [2] - 35:16, 57:5 some [19] - 6:9, 16:17, 16:19, 16:21, 16:24, 17:7, 17:16, 20:16, 27:10, 35:14, 35:16, 36:4, 39:6, 39:22, 40:25, 57:8, 57:15, 63:3 somebody [1] - 44:10 somehow [3] - 34:17, 52:12, 62:10 someone [2] - 15:16, 43:15 something [4] - 31:3, 41:5, 45:9, 61:17 sorry [3] - 4:24, 9:19, 17:5 sort [1] - 50:18 sorted [1] - 4:6 sought [1] - 62:8 Souter's [1] - 14:25 sovereign [8] - 25:21, 25:22, 27:2, 30:16, 32:15, 47:9, 49:18, 51:21 Sovereign [4] - 28:10, 28:12, 28:16, 62:16 sovereigns [3] - 28:7, 29:7, 51:18 sovereignty [1] - 4:17 Sovereignty [1] - 19:15 speaking [2] - 33:11, 33:13 specific [8] - 17:17, 35:3,</p>	<p>41:5, 43:22, 54:24, 56:4, 58:23, 61:21 specifically [6] - 10:4, 24:18, 38:16, 41:15, 45:13, 46:13 speculation [1] - 60:16 speculative [1] - 60:20 spending [2] - 26:16, 26:18 sponsorship [1] - 19:23 stage [1] - 10:23 standard [3] - 14:15, 18:2, 20:23 start [2] - 25:20, 33:17 started [2] - 29:3, 33:18 state [21] - 18:20, 19:14, 19:25, 20:5, 20:7, 21:16, 26:14, 28:17, 28:18, 29:14, 29:15, 29:17, 29:20, 30:14, 30:15, 30:18, 37:2, 49:7, 49:9, 49:11, 50:5 State [1] - 51:13 statement [2] - 16:12, 54:3 STATES [1] - 1:2 States [33] - 5:7, 7:9, 7:12, 9:13, 10:5, 10:20, 21:13, 24:5, 24:7, 25:10, 27:19, 29:23, 29:24, 39:4, 39:8, 42:17, 42:20, 43:15, 44:10, 45:7, 46:3, 46:20, 48:8, 48:17, 48:25, 50:2, 50:13, 51:3, 51:6, 51:11, 61:19, 63:9, 63:19 states [1] - 54:10 statute [7] - 19:21, 49:4, 50:17, 51:9, 51:15, 51:17, 63:8 statutory [1] - 53:9 step [3] - 31:9, 39:10, 39:18 steps [1] - 37:18 still [3] - 16:9, 38:25, 49:23 stipulation [1] - 54:9 strange [1] - 15:13 Street [4] - 2:6, 2:12, 3:7, 3:14 strengthens [1] - 37:15 strip [1] - 53:7 stripped [1] - 53:13 stuff [1] - 53:12 subject [1] - 61:24 submit [3] - 53:5, 55:12, 56:6 submitted [2] - 33:22, 64:9 subset [1] - 56:21 substantially [1] - 63:10 substantive [2] - 30:2, 30:3 Sudan [2] - 21:8, 21:13 suffered [1] - 36:10 sufficient [5] - 20:18, 20:22, 22:14, 23:3, 43:3 suggest [3] - 41:3, 58:2,</p>	<p>60:11 suggested [1] - 53:23 suggesting [1] - 42:24 suggestion [2] - 57:13, 60:22 suggests [1] - 41:14 suit [1] - 48:11 Suite [1] - 3:8 Sulaiman [2] - 57:17, 61:16 summarize [1] - 7:16 summary [3] - 12:15, 15:25, 18:18 support [30] - 6:9, 7:3, 7:4, 7:11, 10:13, 11:6, 11:17, 12:4, 12:5, 12:23, 21:6, 21:18, 25:13, 29:11, 30:12, 32:18, 32:23, 36:19, 38:17, 46:7, 46:15, 46:23, 50:4, 50:14, 52:18, 54:2, 54:18, 57:6, 60:14, 63:16 supported [3] - 17:10, 38:3, 38:5 supporters [1] - 37:8 supporting [4] - 9:3, 22:17, 26:14, 59:3 supposed [1] - 24:14 supposedly [1] - 45:17 Supreme [6] - 36:24, 40:11, 48:18, 50:8, 56:16, 57:11 surrounding [1] - 17:5 suspicion [1] - 60:16 suspicious [1] - 60:19 sustain [1] - 33:5 sweeping [1] - 54:25 symbiotic [1] - 27:11</p>
<p>SAAR [1] - 61:18 safe [1] - 29:13 said [4] - 7:17, 38:16, 40:6, 52:12 sake [1] - 38:13 Saleh [3] - 57:19, 57:22, 60:2 same [6] - 22:8, 25:14, 33:20, 34:7, 48:23, 57:24 satisfied [1] - 38:10 satisfy [1] - 57:2 Saudi [14] - 16:25, 17:14, 26:10, 27:4, 34:15, 35:4, 47:7, 47:8, 47:20, 47:24, 48:3, 50:16, 52:5 say [9] - 11:19, 14:12, 28:4, 37:10, 44:17, 44:23, 59:9, 59:19, 60:2 saying [6] - 10:21, 10:22, 11:12, 45:5, 50:3, 52:2 Scheme [2] - 43:13, 43:22 Schwerner [1] - 52:7 scope [1] - 49:11 SEAN [1] - 2:14 Sean [2] - 19:8, 61:9 SECOND [1] - 1:2 Secondary [1] - 49:3 secondary [1] - 50:18 secondly [1] - 20:25 Secondly [1] - 59:23 secretly [1] - 54:15 see [6] - 13:3, 17:23, 25:6, 25:15, 27:13, 34:6 seed [1] - 37:14 seeking [1] - 4:20 seeks [1] - 7:9 seems [1] - 15:13 senior [4] - 7:5, 9:8, 10:15, 23:15 sense [3] - 8:23, 16:10, 39:24 separate [1] - 42:13 September [6] - 1:5, 4:5, 22:12, 29:25, 30:19, 33:6 series [1] - 9:12 serious [1] - 56:24 serve [1] - 19:22 services [1] - 23:12 sets [1] - 14:9</p>	<p>setting [1] - 32:8 seven [3] - 9:19, 33:13 several [4] - 23:17, 37:18, 48:14, 50:9 severe [1] - 64:3 she [1] - 42:23 Sheikh [1] - 57:22 Sherman [1] - 56:15 should [7] - 14:6, 17:12, 18:23, 20:11, 27:10, 28:4, 55:13 show [2] - 20:22, 34:22 showing [8] - 13:7, 15:4, 15:8, 15:15, 15:18, 38:4, 46:12, 46:19 shown [2] - 7:2, 12:22 shows [1] - 58:3 SIDLEY [1] - 2:4 simple [3] - 20:13, 21:9, 24:3 simply [6] - 21:14, 21:17, 32:17, 34:19, 46:10, 50:24 Since [1] - 47:18 single [2] - 21:17, 23:9 sit [1] - 13:22 situation [1] - 7:18 Sixth [1] - 48:20 SJRC [2] - 27:7, 31:22 slightly [1] - 7:25 Solicitor [4] - 40:20, 40:21, 41:22, 42:22 Some [2] - 35:16, 57:5 some [19] - 6:9, 16:17, 16:19, 16:21, 16:24, 17:7, 17:16, 20:16, 27:10, 35:14, 35:16, 36:4, 39:6, 39:22, 40:25, 57:8, 57:15, 63:3 somebody [1] - 44:10 somehow [3] - 34:17, 52:12, 62:10 someone [2] - 15:16, 43:15 something [4] - 31:3, 41:5, 45:9, 61:17 sorry [3] - 4:24, 9:19, 17:5 sort [1] - 50:18 sorted [1] - 4:6 sought [1] - 62:8 Souter's [1] - 14:25 sovereign [8] - 25:21, 25:22, 27:2, 30:16, 32:15, 47:9, 49:18, 51:21 Sovereign [4] - 28:10, 28:12, 28:16, 62:16 sovereigns [3] - 28:7, 29:7, 51:18 sovereignty [1] - 4:17 Sovereignty [1] - 19:15 speaking [2] - 33:11, 33:13 specific [8] - 17:17, 35:3,</p>	<p>41:5, 43:22, 54:24, 56:4, 58:23, 61:21 specifically [6] - 10:4, 24:18, 38:16, 41:15, 45:13, 46:13 speculation [1] - 60:16 speculative [1] - 60:20 spending [2] - 26:16, 26:18 sponsorship [1] - 19:23 stage [1] - 10:23 standard [3] - 14:15, 18:2, 20:23 start [2] - 25:20, 33:17 started [2] - 29:3, 33:18 state [21] - 18:20, 19:14, 19:25, 20:5, 20:7, 21:16, 26:14, 28:17, 28:18, 29:14, 29:15, 29:17, 29:20, 30:14, 30:15, 30:18, 37:2, 49:7, 49:9, 49:11, 50:5 State [1] - 51:13 statement [2] - 16:12, 54:3 STATES [1] - 1:2 States [33] - 5:7, 7:9, 7:12, 9:13, 10:5, 10:20, 21:13, 24:5, 24:7, 25:10, 27:19, 29:23, 29:24, 39:4, 39:8, 42:17, 42:20, 43:15, 44:10, 45:7, 46:3, 46:20, 48:8, 48:17, 48:25, 50:2, 50:13, 51:3, 51:6, 51:11, 61:19, 63:9, 63:19 states [1] - 54:10 statute [7] - 19:21, 49:4, 50:17, 51:9, 51:15, 51:17, 63:8 statutory [1] - 53:9 step [3] - 31:9, 39:10, 39:18 steps [1] - 37:18 still [3] - 16:9, 38:25, 49:23 stipulation [1] - 54:9 strange [1] - 15:13 Street [4] - 2:6, 2:12, 3:7, 3:14 strengthens [1] - 37:15 strip [1] - 53:7 stripped [1] - 53:13 stuff [1] - 53:12 subject [1] - 61:24 submit [3] - 53:5, 55:12, 56:6 submitted [2] - 33:22, 64:9 subset [1] - 56:21 substantially [1] - 63:10 substantive [2] - 30:2, 30:3 Sudan [2] - 21:8, 21:13 suffered [1] - 36:10 sufficient [5] - 20:18, 20:22, 22:14, 23:3, 43:3 suggest [3] - 41:3, 58:2,</p>	<p>60:11 suggested [1] - 53:23 suggesting [1] - 42:24 suggestion [2] - 57:13, 60:22 suggests [1] - 41:14 suit [1] - 48:11 Suite [1] - 3:8 Sulaiman [2] - 57:17, 61:16 summarize [1] - 7:16 summary [3] - 12:15, 15:25, 18:18 support [30] - 6:9, 7:3, 7:4, 7:11, 10:13, 11:6, 11:17, 12:4, 12:5, 12:23, 21:6, 21:18, 25:13, 29:11, 30:12, 32:18, 32:23, 36:19, 38:17, 46:7, 46:15, 46:23, 50:4, 50:14, 52:18, 54:2, 54:18, 57:6, 60:14, 63:16 supported [3] - 17:10, 38:3, 38:5 supporters [1] - 37:8 supporting [4] - 9:3, 22:17, 26:14, 59:3 supposed [1] - 24:14 supposedly [1] - 45:17 Supreme [6] - 36:24, 40:11, 48:18, 50:8, 56:16, 57:11 surrounding [1] - 17:5 suspicion [1] - 60:16 suspicious [1] - 60:19 sustain [1] - 33:5 sweeping [1] - 54:25 symbiotic [1] - 27:11</p>
			<p>T</p> <p>Tanzania [1] - 38:23 targeted [2] - 10:4, 24:6 targeting [4] - 7:8, 21:12, 24:4, 46:2 tens [1] - 59:10 territorial [1] - 63:23 Terrorism [1] - 19:21 terrorism [9] - 11:17, 12:6, 19:24, 27:18, 28:2, 28:6, 42:11, 45:19, 61:25 Terrorist [9] - 1:5, 4:4, 5:20, 6:2, 6:3, 7:13, 7:22, 8:2, 40:10 terrorist [6] - 5:9, 6:25, 9:9, 32:2, 58:7, 61:23 test [4] - 14:2, 19:4, 21:9, 32:12 text [1] - 63:7 THE [1] - 1:2 themselves [6] - 4:7, 22:14, 23:16, 35:8, 44:6, 54:13</p>

<p>theories ^[4] - 19:20, 19:25, 30:6, 30:24</p> <p>theory ^[5] - 11:16, 17:22, 34:20, 40:9, 49:23</p> <p>thereby ^[2] - 33:6, 44:11</p> <p>therefore ^[5] - 23:3, 39:16, 47:15, 63:4, 63:20</p> <p>thoroughly ^[1] - 21:22</p> <p>three ^[3] - 42:13, 42:21, 57:25</p> <p>Three ^[1] - 5:7</p> <p>ties ^[2] - 22:24, 36:9</p> <p>timing ^[5] - 13:21, 18:25, 24:4, 46:16</p> <p>titles ^[1] - 35:6</p> <p>today ^[2] - 4:4, 47:6</p> <p>TODD ^[1] - 3:4</p> <p>together ^[1] - 60:25</p> <p>took ^[4] - 32:25, 40:8, 40:21, 40:25</p> <p>tort ^[13] - 26:3, 29:15, 30:3, 30:5, 30:10, 30:14, 30:15, 30:18, 49:24, 63:7, 63:13, 63:18</p> <p>tort's ^[1] - 49:2</p> <p>tortious ^[4] - 42:2, 42:14, 49:8, 50:4</p> <p>torts ^[2] - 42:10, 48:13</p> <p>totality ^[1] - 11:13</p> <p>totally ^[1] - 30:9</p> <p>Trade ^[1] - 9:16</p> <p>training ^[3] - 9:4, 33:2, 33:5</p> <p>treaties ^[1] - 31:25</p> <p>treatment ^[1] - 51:2</p> <p>tried ^[1] - 38:2</p> <p>try ^[2] - 34:16, 61:14</p> <p>Try ^[1] - 4:22</p> <p>trying ^[4] - 29:2, 33:24, 37:7, 46:10</p> <p>turn ^[5] - 4:2, 5:19, 31:23, 47:19, 56:13</p> <p>Turning ^[3] - 21:15, 25:15, 61:12</p> <p>tweaking ^[1] - 34:20</p> <p>twice ^[1] - 6:13</p> <p>two ^[10] - 18:10, 20:9, 20:12, 21:3, 21:5, 35:19, 50:22, 52:2, 56:4, 61:5</p> <p>Twombly ^[6] - 14:14, 14:22, 14:24, 15:10, 16:15, 53:4</p>	<p>28:15, 29:4, 29:17, 29:19, 30:5, 30:22, 44:16, 48:19, 57:11</p> <p>Under ^[1] - 48:18</p> <p>understand ^[5] - 11:11, 17:4, 30:17, 35:13, 49:22</p> <p>understanding ^[1] - 9:23</p> <p>understate ^[1] - 63:11</p> <p>understood ^[3] - 29:6, 39:12, 41:2</p> <p>undertaken ^[1] - 7:4</p> <p>undertook ^[1] - 9:12</p> <p>undisputed ^[3] - 47:22, 48:6, 48:9</p> <p>unduly ^[1] - 8:7</p> <p>unfair ^[1] - 17:25</p> <p>UNITED ^[1] - 1:2</p> <p>United ^[33] - 5:7, 7:9, 7:12, 9:13, 10:4, 10:20, 21:12, 24:5, 24:7, 25:9, 27:19, 29:23, 29:24, 39:4, 39:8, 42:17, 42:20, 43:15, 44:10, 45:7, 46:2, 46:20, 48:8, 48:17, 48:25, 49:25, 50:13, 51:3, 51:5, 51:10, 61:19, 63:9, 63:19</p> <p>unless ^[1] - 48:11</p> <p>unpack ^[4] - 35:11, 38:2, 61:14, 62:24</p> <p>unrelated ^[1] - 10:19</p> <p>unspecified ^[1] - 57:9</p> <p>untraceable ^[1] - 54:18</p> <p>up ^[8] - 5:13, 13:3, 25:6, 25:16, 58:12, 59:5, 59:20, 60:24</p> <p>US ^[7] - 5:8, 9:9, 27:7, 35:16, 35:19, 35:24, 38:20</p> <p>USDJ ^[1] - 1:17</p> <p>USS ^[1] - 38:21</p> <p>utterly ^[1] - 50:19</p>	<p>W</p> <p>Washington ^[4] - 2:7, 2:20, 3:9, 3:15</p> <p>ways ^[2] - 4:8, 18:10</p> <p>weaved ^[1] - 60:25</p> <p>well-meaning ^[1] - 54:16</p> <p>What's ^[1] - 18:6</p> <p>what's ^[1] - 12:8</p> <p>whatsoever ^[1] - 6:19</p> <p>where ^[8] - 8:25, 16:6, 27:12, 27:13, 31:21, 33:17, 37:3, 39:4</p> <p>whereas ^[1] - 34:18</p> <p>whereby ^[1] - 14:10</p> <p>WHITE ^[1] - 3:12</p> <p>whole ^[1] - 58:15</p> <p>willing ^[1] - 38:12</p> <p>wise ^[1] - 57:4</p> <p>withdrawn ^[1] - 54:17</p> <p>word ^[2] - 58:24, 59:5</p> <p>words ^[1] - 8:20</p> <p>work ^[2] - 10:18, 14:18</p> <p>worked ^[1] - 37:4</p> <p>world ^[1] - 44:22</p> <p>World ^[1] - 9:15</p> <p>writing ^[1] - 6:16</p> <p>wrongdoing ^[1] - 35:21</p>
U	V	Y
<p>ultimately ^[1] - 44:2</p> <p>UN ^[5] - 27:8, 27:17, 27:23, 28:22, 31:25</p> <p>unknownst ^[1] - 54:16</p> <p>under ^[15] - 15:10, 15:24, 18:2, 19:20, 19:24, 26:2,</p>	<p>vague ^[4] - 35:4, 57:6, 57:7</p> <p>various ^[3] - 29:12, 35:15, 46:2</p> <p>verbatim ^[1] - 50:22</p> <p>view ^[6] - 25:8, 25:12, 27:24, 40:8, 41:12, 42:23</p> <p>views ^[1] - 41:17</p> <p>violate ^[1] - 31:18</p> <p>violation ^[2] - 31:25, 32:5</p> <p>Virginia ^[1] - 57:24</p> <p>virtually ^[2] - 23:12, 54:18</p> <p>virtue ^[1] - 30:21</p>	<p>years ^[1] - 61:2</p> <p>yourself ^[1] - 10:11</p>
		Z
		<p>zero ^[3] - 58:12</p>